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LAWS

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1850,

IN THE

SEVENTY-FOURTH YEAR OF INDEPENDENCE.

WITH

AN APPENDIX.



PUBLISHED BY AUTHORITY.

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L A W S

OF THE

COMMONWEALTH OF PENNSYLVANIA.

No. 1.

A N A C T

To authorize the commissioners of Allegheny county, and the corporation of the borough of Easton, to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Allegheny county be and they are hereby authorized to borrow, on temporary loan, a sum not exceeding seventy-five thousand dollars, to be applied to the redemption of the scrip issued by said commissioners, of the denominations of one, two and three dollars; and the certificates of loan, which shall be issued by virtue of this act, shall be exempt from all taxes, except for state purposes.

Commissioners
of Allegheny
county authorized
to borrow money.

SECTION 2. That the corporation of the borough of Easton be and hereby are authorized, whenever in their judgment the interests of said corporation will be promoted thereby, to borrow any sum or sums of money that may be required in carrying out the improvement of said borough, according to the charter of incorporation, and to pledge the faith and resources of the said corporation for the re-payment of the same, with interest: *Provided,* That the total amount of such loans shall never exceed the sum of thirty thousand dollars, and that no part of the moneys so borrowed, shall be applied to any other purposes than those specified in the act incorporating said borough, and acts supplementary thereto.

Corporation of
the borough of
Easton author-
ized to borrow
money.

Proviso.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 2.

AN ACT

Relating to a tavern license in Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the court of quarter sessions of Mifflin county are hereby empowered to hear and determine the application of James Allison, of Mifflin county, for a tavern license in said county, as fully as though notice had been given of said application, in pursuance of the first section of an act relating to tavern licenses, passed March twenty-ninth, Anno Domini, one thousand eight hundred and forty-one.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of January, Annn Domini, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 3.

AN ACT

To authorize Edward Y. Farquhar to mortgage certain real estate in the city of Philadelphia.

Preamble.

WHEREAS, Eliza Farquhar, late of the city of Philadelphia, widow, by her last will and testament, bearing date the ninth day of June, A. D., one thousand eight hundred and forty-nine, duly proved and remaining on file in the register of wills' office for the county of Philadelphia, did, amongst other things, give, devise and bequeath to her son, Edward Y. Farquhar, the two properties owned by her, numbers fifty-six and fifty-eight, Walnut street, between Third and Dock streets, in the city of Philadelphia, and state of Pennsylvania, and the lots thereunto belonging, running through to Pear street, to be held by him for his own proper use and benefit, for and during the term of his natural life, and to manage, rent, and improve the same, as he may see fit; and to receive the rents, issues and profits thereof, for his own use and benefit; at the same time giving him full power to devise and bequeath to his

theirs at law, the aforesaid two described properties, in such manner and with such restrictions, as to him may seem right, by any instrument of writing in the nature of a last will and testament :

And whereas, It is proposed to improve the said two described properties, by tearing down the present old and dilapidated buildings, and erecting extensive buildings thereon ; and it is desirable that a sufficient sum of money should be raised to pay for the same, but doubts are entertained, whether under the last recited clause in the said will, sufficient power is given to mortgage the said premises ; and the exercise of such power for the purpose hereinbefore mentioned, would greatly enhance the value of said property ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

it shall be lawful for the said Edward Y. Farquhar, to mortgage the aforesaid lots of ground, with the buildings thereon, or any part or parts thereof, to any person or persons, corporation or corporations, to secure the re-payment of any sum or sums of money that may be borrowed by the said Edward Y. Farquhar, for the purpose aforesaid ; and that such mortgage or mortgages, shall be as good and available in law and in equity, to all intents and purposes, as if the said properties were held in fee simple by the said Edward Y. Farquhar, at the time of the execution of such mortgage or mortgages by him : *Provided,* That

Edward Y. Farquhar authorized to mortgage certain real estate.

before the execution and delivery of any mortgage or mortgages, given by the said Edward Y. Farquhar, under the authority of this act, the said Edward Y. Farquhar shall give security, to be approved by the orphans' court of the county of Philadelphia, for the faithful application of any sum or sums of money borrowed by him, upon mortgage as aforesaid, to the improvement of the properties hereinbefore described : *And provided further,* That the mortgagee or mortgagees shall not be required to see to the application of any money or moneys borrowed by the said Edward Y. Farquhar, under the authority of this act.

Proviso.

Proviso.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of January, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 4.

AN ACT

To confirm the title to certain real estate situate in the city of Philadelphia.

WHEREAS, By indenture, dated the twentieth day of November, Anno Domini, one thousand eight hundred and thirty-three, (recorded in deed book A M, No. 40, page 542, et cetera,) William Purves did grant and convey unto the Philadelphia exchange company, their successors and assigns, two certain brick messuages or tenements, and lot or piece of ground, situate on the south side of Walnut street, between the Second and Third streets, from the Delaware, therein particularly described :

And whereas, Doubts have been entertained in respect to the power of the said Philadelphia exchange company, to hold and convey the said message and lot of ground, and it is proper that the title to the same should be confirmed ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That nothing in any statute of mortmain, or in any other statute or law of this commonwealth, relating to corporations, shall be held or deemed to impair, or in anywise to affect the title of the said, the Philadelphia exchange company, to the messuages and lot of ground so as aforesaid conveyed by the said William Purves, but the same shall be held with the same effect to all intents and purposes, as if the said, the Philadelphia exchange company, had at the time of receiving the conveyance aforesaid, full power and authority under their charter to hold and convey the same.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixteenth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 5.

A N A C T

To authorize the commissioners of Adams county to re-build their county prison.

WHEREAS, The jail of Adams county was, on the seventh day of January, one thousand eight hundred and fifty, utterly destroyed by fire: Preamble.

And whereas, It is necessary that the same should be re-built with as little delay as possible, and temporary provision made for the confinement and safe keeping of offenders against the law; in the meantime; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Adams county are hereby authorized, immediately upon the passage of this act, to proceed to re-build the county prison, and common jail of the said county, by contract or otherwise, in such manner as they in their judgment shall deem right and proper; and that so much of any law or laws of this commonwealth, as requires the consideration and approval of the construction of any such building, by the grand jury of the county, at two successive terms, and of the court of general quarter sessions of the peace, be and the same is hereby dispensed with in the present case; and the said commissioners are authorized and required to proceed to the erection and construction of the said prison, in like manner, and as fully as if the said assent and approval had been obtained, agreeably to the provisions of existing laws on the subject. Commissioners of Adams county authorized to re-build county prison.

SECTION 2. That until the completion of said prison, the said commissioners are hereby authorized and required, to provide some suitable place or building, either within the limits of the borough of Gettysburg, or at some convenient location in the immediate vicinity thereof, to be used as a temporary jail and lock-up house; and it shall be lawful for any court, judge, justice of the peace, or committing magistrate, in all cases wherein, according to existing laws, he or they might lawfully commit, or sentence to be confined, any person in the common jail of the county of Adams, to commit and order to be confined, such person or persons, in the said temporary prison; and the keeper of the common jail of said county, is hereby directed to receive and detain all such persons, in said temporary jail, until he, she, or they, shall be delivered therefrom in due course of law, as in other cases, and upon the completion of said prison, to transfer all persons who shall then be in confinement, in said temporary jail, into said prison, and them there detain, until the expiration of the term for and during which they shall have been respectively sentenced or committed. Commissioners authorized to provide a temporary jail.

SECTION 3. That the said commissioners are hereby authorized and empowered to borrow, on the credit of the said county, any sum of Borrow money.

money not exceeding six thousand dollars, for the purpose of defraying the expense of re-building said county prison.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixteenth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 6.

A SUPPLEMENT

To an act to create permanently the office of state printer, passed March twenty-fourth, one thousand eight hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the act to which this is a supplement, and so much of all other acts of assembly, as provides for printing and binding the journals of the legislature, and pamphlet laws in the German language, be and the same is hereby repealed.

Repeal of certain
acts relating to
German printing.

German printing,
&c., to be allot-
ted to the lowest
bidder, &c.

SECTION 2. That the printing, folding and stitching of executive documents, and such other documents and reports in the German language, as either branch of the legislature may from time to time direct, shall be allotted to the lowest bidder, at the time, and in the manner provided for by an act giving out for a term of years, all the public printing and binding of the commonwealth, to the lowest bidder, with ample security for performance, passed twenty-third March, one thousand eight hundred and forty-four: *Provided*, That the bond and security required to be given for the faithful performance of the contract, for printing, folding and stitching such documents, shall be two thousand dollars.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-first day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 7.

A N A C T

Relative to collateral inheritances.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the period within which the collateral inheritance tax, due on the estates of decedents, is required to be paid, as provided by the fourteenth section of the act, entitled “An Act to create a sinking fund, and to provide for the gradual extinguishment of the debt of the commonwealth,” be and the same is hereby extended to the first day of July, eighteen hundred and fifty.

J. S. M'CALMONT,
Speaker of the House of Representatives.
 V. BEST,
Speaker of the Senate.

We do certify, that the bill, entitled “An Act relative to collateral inheritances,” was presented to the governor on the ninth day of January, one thousand eight hundred and fifty, and was not returned within ten days, Sundays excepted, after it had been presented to him; wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.
 SAML. W. PEARSON,
Clerk of the Senate.

HARRISBURG, January 23, 1850.

No. 8.

A N A C T

To legalize a certain ordinance of the commissioners and inhabitants of the Kensington district of the Northern Liberties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the ordinance, entitled “A supplement to an ordinance, entitled ‘An ordinance for the erection of water works in the Kensington district,’ passed July eighth, one thousand eight hundred and forty-eight,” passed by the board of the commissioners and inhabitants of the Kensington

district of the Northern Liberties, on the sixteenth February, one thousand eight hundred and forty-nine, shall be considered to have gone into operation on the day of its passage, as fully and effectually as if the said ordinance had been published, proved and recorded, according to law, on that day; and that all acts done, and contracts and loans made, and scrip and certificates of loan issued, under, and by virtue of the said ordinance, both before and since its actual recording, on the second day of June, one thousand eight hundred and forty-nine, in the office of the recorder of deeds for the city and county of Philadelphia, are hereby validated and confirmed; and that the said board of commissioners is hereby authorized to pass all such laws, ordinances and regulations as they may deem necessary and proper, to validate and confirm all such acts, contracts, loans and issues of scrip, and certificates of loans.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 9.

AN ACT

To amend the charter of the Second Jackson benevolent society of Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Second Jackson benevolent society of Philadelphia county, by the name, style and title aforesaid, is hereby declared and made capable in law, at all times hereafter, of purchasing, holding, receiving and enjoying, in fee simple or for a term of years, any lands, tenements, rents, annuities, franchises or other hereditaments, by gift, grant, bargain, sale, alienation, release, confirmation, devise or bequest, of any person or persons, bodies politic or corporate, able or capable in law to make the same, not exceeding in the whole, together with the interest of money by them lent, the clear yearly value of three thousand dollars; and also, of giving, granting, letting, selling and conveying the same lands, tenements, rents, annuities, liberties, franchises and hereditaments, as shall be deemed desirable and convenient by the said corporation.

SECTION 2. That the eighth section of an act, entitled "An Act to enable Thomas Hoge to make a fee simple title; relative to the trustees under the wills of Ephraim Clark and Catharine Yohe; and relating to a school house in Elizabeth township, Lancaster county; to amend the

Additional powers granted to the Second Jackson benevolent society of Philadelphia.

Repeal of 8th section of certain act relative to said society.

charter of the Second Jackson beneficial society of Philadelphia; and to extend the jurisdiction of the orphans' court," approved April twentieth, one thousand eight hundred and forty-nine, be and the same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—January the twenty-second, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 10.

AN ACT

To change the name of the York Savings Bank to that of the York County Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the corporate name and style of the York Savings Bank shall be hereafter the York County Bank, by which latter name said institution shall continue to be invested with all the rights and privileges, and subject to all the liabilities and restrictions it was invested with, and subject to, under its former name.

SECTION 2. In all cases where judgments have been obtained by, or bonds, notes or engagements made to said bank by its former name, it shall be lawful to enforce and collect the same in the name of the York Savings Bank, for the use of the York County Bank.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 11.

AN ACT

Fixing the place of holding elections in certain townships in Susquehanna and Lehigh counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of Franklin township, in the county of Susquehanna, shall hereafter hold their general and township elections at the house of Rufus Tuttle, in said township.

SECTION 2. That the qualified voters of the township of Washington, in the county of Lehigh, shall hereafter hold their general and township elections at the public house now occupied by David and Charles Peter, in said township.

SECTION 3. That the qualified voters of the township of Lower Macungie, in the county of Lehigh, shall hereafter hold their general and township elections at the public house now occupied by George Keyser, in said township.

SECTION 4. That the qualified voters of the township of Lowhill, in the county of Lehigh, shall hereafter hold their general and township elections at the public house now occupied by Daniel Clouse, in said township.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 12.

AN ACT

To repeal the eleventh and twelfth sections of an act, entitled "An Act to change the township lines of Lake and Lehman, in the courts of Luzerne, and for other purposes; relative to carrying convicts to the penitentiary from Luzerne county, and the prothonotary, clerk of the county, supervisors of Lehman township, and the appointment of flour inspectors in said county; incorporating the Elmira and Jackson plank road company; and to certain state roads in Columbia, Schuylkill, Clinton and Union counties," passed April tenth, A. D., one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the eleventh and twelfth sections of the act, passed tenth of April, A. D., one thousand eight hundred and forty-nine, entitled "An Act to change the township lines of Lake and Lehman, in the county of Luzerne, and for other purposes; relative to carrying convicts to the penitentiary from Luzerne county, and the prothonotary, clerk of the court, supervisor of Lehman township, and the appointment of flour inspectors in said county; incorporating the Elmira and Jackson plank road company; and to certain state roads in Columbia, Schuylkill, Clinton and Union counties," be and the same is hereby repealed. Repeal of 11th and 12th sections of certain act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 13.

AN ACT

To incorporate the Pittsburg and Braddock's Field plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Ross, junior, Henry Woods, William G. Hawkins, Andrew Watson, John Arthurs, William Eichbaum, Robert Palmer, John Adams, James W. Buchanan, William M. Simpson, Edward D. Gaz- Commissioners.

Style.	zam, Thomas M. Howe, Jesse Carothers, William M. Lyon, Alexander Miller, Robert Robb, Thomas Williams, John Lyttle, David Beeler, Daniel Kuntz and George Irwine, of the county of Allegheny, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name and style of "The Pittsburgh and Braddock's Field plank road company," with power to construct a plank road from the city of Pittsburgh, by the way of the valley of the Monongahela river, to a point on the Greensburg and Pittsburgh turnpike road, at or near Turtle creek, within the said county, with all the authorities and subject to all the provisions and restrictions of the act regulating turnpike or plank road companies, passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto, except so much thereof relating to the imposition of tolls, as discriminates in favor of vehicles having wheels of the breadth of four inches and upwards, and such other portions of the same act as may be inconsistent herewith.
Location.	
Subject to provisions of certain act.	
Capital stock.	SECTION 2. The capital stock of the said company shall consist of sixteen hundred shares, of twenty-five dollars each, with power, however, to the said company to enlarge the same from time to time, by new subscriptions, in case such enlargement shall be deemed necessary for the purpose of accomplishing the objects of this charter.
Company authorized to occupy certain road.	SECTION 3. It shall be lawful for the said company to occupy with their road, the line or location of the public highway already laid out and opened from Pittsburgh to Turtle creek, or so much thereof as may be adjudged to be eligible for that purpose, preserving, however, a width of not less than fifty feet throughout, in conformity with the survey and plan of road originally located under the authority of this commonwealth, between the points above indicated.
May erect gates and collect tolls.	SECTION 4. That it shall be lawful for the said company to erect and set up a gate or gates, and to levy and collect tolls from persons traveling along, or otherwise using the said road, at the rates prescribed in the act regulating turnpike and plank road companies already referred to, and without further license, as soon as they shall have completed the first three miles of their said road leading from the city of Pittsburgh.
Repeal.	SECTION 5. That so much of the act to enable the governor to incorporate a company for making an artificial road from the city of Pittsburgh, by way of Braddock's Field to Turtle creek, at or near the farm of Allen Brown, and for other purposes, as refers to the incorporation of the said last named company, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 14.

A SUPPLEMENT

To an act, entitled "An Act to authorize the governor to incorporate the Delaware County turnpike road company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Delaware County turnpike road company be and they are hereby authorized to lay one or more tracks of plank upon any part of their road, and to convert such part thereof into a plank road; and in case a sufficient amount of stock should not be subscribed to enable the managers of said company to complete and finish such part of said road as it shall be determined to lay with plank as aforesaid, they shall be authorized to borrow, on the credit of the company, a sufficient sum of money to complete the same: *Provided,* That the amount so borrowed shall not exceed three thousand dollars: *And provided further,* That the persons loaning said money, their heirs or assigns, may at any time convert their loan into stock of said company. Delaware County turnpike road company authorized to lay one or more tracks of plank roads, &c.

SECTION 2. That the provisions of the seventh, eighth and tenth sections of the general act regulating turnpike and plank road companies, passed the twenty-sixth day of January, A. D., one thousand eight hundred and forty-nine, and the third and fourth sections of the supplement thereto, passed the seventh day of April of the same year, be and the same are hereby extended to the Delaware County turnpike road company: *Provided,* That the president and managers of said company shall have the same authority in the regulation of the tolls of said road, as is given to stockholders by the provisions of the fourth section of said supplement. Proviso. Provisions of certain act extended to said company.

SECTION 3. That in the construction of the remaining portion of said road westward, the said company shall not be compelled to construct the artificial parts thereof of a greater width than eighteen feet, and in case the court of quarter sessions of the county of Delaware shall not be in session at the time of the completion of the same, it shall be competent for the associate judges of said county to appoint persons to view the said road as is provided by the tenth section of the act of incorporation of said company. Proviso. Width of artificial part of said road.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 15.

AN ACT

Confirming the title of Jesse Lazear to a certain tract of land in Greene county.

WHEREAS, William Seals, late of the county of Greene, deceased, by his last will and testament, duly registered in the proper office of said county, devised unto Abraham Baltzell, in trust for the sole and exclusive use of Margaret M'Clelland, daughter of the said William Seals, deceased, a certain tract or parcel of land situate in Franklin township, Greene county, and particularly described in said last will and testament:

And whereas, It became advantageous to the said Margaret M'Clelland to exchange said tract of land for a larger and more profitable tract, and for that purpose the said Abraham Baltzell, trustee as aforesaid, and the said Margaret M'Clelland, by indenture dated the eleventh day of October, one thousand eight hundred and forty-nine, conveyed the land devised in trust for her as aforesaid, to Jesse Lazear, in exchange and in consideration of a tract of land situate in Richhill township, county aforesaid, and which was conveyed by the said Jesse Lazear to the said Abraham Baltzell, in trust for the sole and exclusive use of the said Margaret M'Clelland and her heirs, upon the same and conditions as the devise to her by her father, the said William Seals, deceased; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the conveyance made by the said Abraham Baltzell and Margaret M'Clelland of the tract of land to Jesse Lazear, as aforesaid, is hereby made valid and effectual to all intents and purposes, and the title thereunto confirmed as fully as if power had been expressly given by the said William Seals, deceased, to the said Abraham Baltzell to sell and convey: *Provided*, That before the delivery of such conveyance, the said Jesse Lazear shall have executed and delivered a deed to the said Abraham Baltzell for the tract of land given in exchange as aforesaid, upon the same trusts and conditions as were imposed by the last will and testament of the said William Seals, deceased.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of January, A. D. one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 16.

AN ACT

Authorizing the trustees of Margaret Manderson to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William L. Manderson and Andrew H. Manderson, trustees of Margaret Manderson, be and they are hereby authorized and empowered to sell and dispose of, at public or private sale, in fee simple or otherwise, all or any one of the following described ground rents or rent charges, to wit: The yearly rent charge, or ground rent charged upon, and issuing and payable for and out of that certain lot or piece of ground, situate on the south-easterly side of Bedford street, at the distance of eighty feet, south-westerly from the south-westerly side of Ash street, in Kensington district of the Northern Liberties, in the county of Philadelphia, containing in front or breadth on said Bedford street, twenty-one feet, and extending in length or depth south-easterly between lines parallel with said Ash street, eighty feet; the yearly rent charge or ground rent charged upon, and issuing and payable for and out of that certain lot or piece of ground, on the east side of Cadwalader street, in the Kensington district of the Northern Liberties, in the county of Philadelphia, at the distance of forty-four feet ten inches and one-half of an inch, southwardly from the south side of Phoenix street, containing in front or breadth on said Cadwalader street, eighteen feet, and extending in length or depth eastward, at right angles with said Cadwalader street, on the south line thereof, thirty feet seven inches and three-quarters of an inch, and on the north line thereof, eighteen feet four inches and one-quarter of an inch to the bend; thence northward on the east line thereof, forty-seven feet four inches and one-half of an inch, and on the west line thereof, thirty-five feet one inch to Phoenix street, and at right angles therewith, containing in front on Phoenix street eighteen feet; the yearly rent charge or ground rent charged upon, and issuing and payable for and out of that certain lot or piece of ground, situate on the westerly side of Marlborough street, at the distance of seventy-five feet two inches and one-quarter of an inch, northward from the northerly side of Beach street, in the Kensington district of the Northern Liberties, in the county of Philadelphia, containing in front or breadth on Marlborough street twenty feet, and extending westerly between parallel lines parallel to said Beach street, on the northerly line fifty-two feet one inch, and on the southerly line fifty-one feet two inches and one-quarter of an inch; and the yearly rent charge or ground rent charged upon, and issuing and payable for and out of that certain lot or piece of ground, situate on the west side of Second street, in the Kensington district of the Northern Liberties, in the county of Philadelphia, commencing at the distance of forty-six feet six inches from the south side of Phoenix street, containing in front or width fifteen feet, and extending westward the same breadth at right angles on the north line sixty-nine feet four inches and three-quarters of an inch, on the south line sixty-three feet six inches and one-half of an inch, and that

Trustees of Margaret Manderson authorized to dispose of certain real estate.

they shall have full power and authority to convey the same to the purchaser or purchasers thereof, free and discharged from all trusts.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 17.

AN ACT

Relating to the common schools of the city of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the city of Lancaster shall continue to form one common school district for all purposes of education, according to the existing common school laws of the commonwealth, except so much thereof as is altered, supplied or repealed by the provisions of this act.

City of Lancaster
to continue a
common school
district except,
&c.

SECTION 2. On the first Tuesday in May next, at the usual place of holding city elections, and between the hours of one and seven o'clock in the afternoon, the voters of said city shall elect thirty-six qualified citizens thereof, having resided therein one year next before their election, to serve as common school directors, twelve for one year, twelve for two years and twelve for three years from the day of election; and annually thereafter at the same time and place, they shall elect twelve citizens qualified as aforesaid, to serve for three years, which thirty-six citizens so elected shall with the mayor and the presidents of the select and common councils of the city for the time being, as ex officio members, constitute the board of directors of the common schools of the city of Lancaster.

Election of school
directors.

SECTION 3. Notice of the time, place and object of said election, signed by the president and secretary of the board, shall be published in not less than two of the weekly newspapers of the city, at least three times next preceding the election; annually a qualified citizen chosen by the voters present at the opening of the election shall act as inspector, another chosen in the same manner shall act as judge, and the secretary of the board of directors shall act as clerk; the returns of the election shall be made by the clerk in the manner prescribed by the general common school law of the state, and within five days thereafter the clerk shall notify each person chosen of his election.

Notice of elec-
tion.

Officers.

Organization of
board.

SECTION 4. At their first regular meeting after the annual election the members, twenty of whom shall be a quorum for all purposes, shall organize by electing from their own number a president, secretary and

treasurer, and at such time as the board shall determine, a tax collector Tax collector. shall also be elected, which officers shall serve for one year from the time of their election; the secretary, treasurer and collector shall receive such compensation for their services as shall be fixed at the time of their election; before entering upon the discharge of their respective duties, the treasurer and collector shall give bonds in such amount as the board Treasurer. shall direct, with one or more sureties to be approved by the board, for To give bond. the faithful performance of their duties; but no person shall be re-elected to the office of treasurer unless his accounts for the preceding year have been duly audited and settled by the proper committee of the board, and the funds received by him fully accounted for.

SECTION 5. The board shall hold one regular meeting in each month, and as many special meetings as may be requisite for the due transac- Board to meet every month. tion of business, and shall possess and exercise all the rights and powers, and perform all the duties by law pertaining to or incumbent on the present board of directors of said city, in addition to and not inconsistent with those hereby granted and imposed, and especially, shall possess and exercise all the rights and powers for the purposes of edu- Powers and duties. cation of the twelve directors heretofore appointed by the court of common pleas of Lancaster county, for the said city, by virtue of the act of assembly, passed on the first day of April, Anno Domini, one thousand eight hundred and twenty-two, entitled "An Act to provide for the education of children at the public expense within the city and incorporated boroughs of the county of Lancaster," and the supplements thereto, including the third section of the act, entitled "An Act relative to Lafayette college and to public education in the city of Lancaster," passed on the fifteenth day of April, Anno Domini, one thousand eight hundred and thirty five, so far as said rights and powers are consistent with the common school system: *Provided*, That all the Proviso. directors in office at the time of the passage hereof, shall continue to serve whether elected or appointed, as the board of directors of said city, till the first Tuesday in May next, and shall then be re-eligible to the office of director, any thing in this act to the contrary notwithstanding.

SECTION 6. In case of vacancy by death, resignation, removal from the city, absence from four regular meetings in succession, without Vacancies, how filled. explanation satisfactory to the board, or otherwise, a suitable citizen qualified as aforesaid shall be elected by the board to serve for the unexpired term of the director, whose place is thus supplied: *Provided* Proviso. *however*, That this section shall not apply to the ex-officio members aforesaid.

SECTION 7. It shall be the duty of the board to establish a sufficient number of schools in convenient parts of the city, for the education of Board to establish schools. all the youth thereof, between the ages of six and twenty-one years, Age of scholars for admission. which shall be kept open for instruction the whole year, except the necessary vacations; to admit pupils into such of said schools as they shall be qualified to enter, upon such days, weekly, monthly, semi-annually or annually, as they shall determine by resolution, and to furnish books and stationery to pupils whose parents shall be found on Schools, how long kept open. due investigation to be unable to provide the same.

SECTION 8. It shall also be the duty of the board, to establish and keep open during at least six months in each school year after the present, a sufficient number of night schools, for the instruction in the useful branches of an English education, of all persons in the city over the age of fourteen years, who desire to attend the same, and whose avocations are such as necessarily to prevent them from attending the day schools; but no pupils shall be admitted into the night schools with- Night schools.

out a vote of the board, or of such committee as the board shall appoint for that purpose, upon satisfactory evidence of inability to attend the day schools of the city.

Teachers to be
examined by
committee.

SECTION 9. All applicants for the station of teacher in any of the common schools of the city, shall be examined by such committee as the board may appoint for that purpose, in the presence of all the members who shall think proper to attend, and certificates signed by the committee shall be given to the candidates found qualified, setting forth the branches and grade of school they are capable of teaching, without which no person shall be appointed to teach a common school within said city; but such certificates shall only be renewed when the holders thereof apply, and on examination in the manner aforesaid, are found qualified for schools of a higher grade.

Board to levy
tax, &c.

SECTION 10. At the regular meeting in May, annually, or as soon thereafter as practicable, the board shall authorize to be levied upon said city, such an amount of tax as shall be necessary to keep the schools in operation as aforesaid, and to defray all the common school expenses of the district, which tax shall not exceed forty cents on each hundred dollars of the valuation of said city, except in the case of offices and posts of profit, professions, trades and occupations, and of single freemen above the age of twenty-one years, who do not follow any occupation, in which cases it shall not exceed the amount assessed on the same for county purposes, but shall in no case be less than fifty cents; and said tax shall be levied, apportioned and assessed upon the same persons, property and things, and the duplicate thereof made out in the same manner as are prescribed in the general common school laws now in force, and shall from the date of the warrant for the collection thereof, constitute and continue to be a lien upon the real estate of the respective tax-payers named in the duplicate, in the same manner in which city tax is now a lien.

Warrant for the
collection of
taxes.

SECTION 11. When the tax is so levied, apportioned and assessed, and the duplicate made out by the secretary, the president shall issue his warrant with the duplicate to the collector of the board, after he shall have given bond as hereinbefore directed, and the collector shall then have like powers to enforce the payment thereof as collectors of county rates now have, and shall pay the amount over to the treasurer from time to time, as the same shall be collected, and settle up his duplicate on or before the day fixed therefor in the warrant; but no collector shall be re appointed unless he shall have paid over the whole amount of his former duplicate, exclusive of exonerations and commissions.

Board authorized
to borrow money,
&c.

SECTION 12. The board shall have power to borrow, for the purchase of ground and the erection of school houses, whenever the same shall be necessary, any sum or sums of money, not exceeding, at any one time, ten thousand dollars, and to pledge by mortgage, any part or all of their real estate for the security and re-payment thereof; and also, annually to effect a temporary loan, on bond or note, of any sum that may be required for the current expenses of the district, not more than one thousand dollars, for any period not exceeding twelve months, and to pay the principal and interest of said loans out of the general funds of the district; and such mortgages and bonds notes first being duly authorized by resolution of the board, shall be signed by the president, sealed with the seal of the board, and attested by the secretary, and shall thereupon become valid and binding to all intents and purposes.

Repeal.

SECTION 13. All acts and parts of acts, joint resolutions and parts of joint resolutions, altered or supplied by, or inconsistent with this act, are hereby repealed, so far as the same relate to the city of Lancaster; and

this act shall continue to be the common school law of said city until expressly altered or repealed, and shall neither be altered, affected, modified nor repealed, by implication nor by general words, in any general common school law that may hereafter be enacted, unless expressly named therein.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 18.

A N A C T

To authorize the commissioners of roads and highways for the township of Pleasant, Warren county, to levy additional road tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of roads and highways for the township of Pleasant, in the county of Warren, shall have power to lay and collect a tax for road purposes in said township, to any amount which they shall deem necessary, not exceeding in any one year, two per cent. on the valuation of property subject to road tax in said township.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 19.

A N A C T

Erecting an independent school district out of parts of Westmoreland and Fayette counties, to be called Bridgeport.

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all those parts of the counties of Westmoreland and Fayette, included within the following boundaries, to wit: Commencing where the state road leading from Mount Pleasant to Smith's mill, crosses Neel's run; thence by the line of the land of John Zundiel to the line of the land of Michael Troxal; thence by the line of the land of said Troxal to Jacob's creek, said creek being the county line between Westmoreland and Fayette counties; thence crossing Jacob's creek and taking the line of the land of John B. Troxal, in Bullskin township, in the county of Fayette, including the farm of J. B. Troxal, to the line of the land of A. Pershing; thence by the line of the land of said Pershing to Jacob's creek; thence crossing Jacob's creek to the Westmoreland side, in Mount Pleasant township, by the line of the land of the heirs of Isaac Shupe, including said farm, bordering on Jacob's creek, in Mount Pleasant township, to the line of the land of Haylett Miller; thence by the line of the land of said Miller to the line of the land of captain Alexander Miller; thence by the line of the land of said Alexander Miller to the line of the land of the Rev. Mr. Fulton; thence by the line of the land of the said Fulton to the Connellsville road; thence along said road in the direction of Mount Pleasant, to the corner of the lot of Uriah S. Johnston, including said lot; thence by the line of said lot to the line of the land of John Zundiel; thence by said line to the place of beginning, be and the same is hereby erected into a separate and independent school district, to be called Bridgeport, with full power to elect school directors, to collect the school tax assessed for the year eighteen hundred and forty-nine on the property within said district, and conforming in all respects to the school laws of this commonwealth.*

Name.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of January, A. D., eighteen hundred and fifty.

WM. F. JOHNSTON.

No. 20.

AN ACT

To repeal the fourth section of the act, entitled "An Act to authorize the commissioners of Lycoming county to borrow money, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the fourth section of the act, entitled "An Act to authorize the commissioners of Lycoming county to borrow money, and for other purposes," approved the seventeenth day of April, one thousand eight hundred and forty-six, be and the same is hereby repealed; and that all the former laws of this commonwealth, or portions of laws, repealed by the said fourth section of said act of the seventeenth day of April, one thousand eight hundred and forty six, be and the same are hereby revived.

Repeal of fourth section of certain act relating to pay of commissioners of the county of Clinton, &c.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 21.

AN ACT

To change the time of holding the courts in the counties of Tioga, Warren and Carbon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of March next, the courts of common pleas, orphans' court and courts of quarter sessions, oyer and terminer and general jail delivery, in and for the county of Tioga, shall be held on the fourth Mondays of May, September, December and February, to continue two weeks.

Tioga county, time of holding courts in.

SECTION 2. That so much of the act of assembly approved the fifth day of April, A. D., one thousand eight hundred and forty-nine, as is inconsistent with this act, is hereby repealed.

Repeal.

Warren county,
time of holding
courts in.

SECTION 3. That the regular terms of the several courts of Warren county shall hereafter commence on the first Mondays of March, June, September and December in each and every year, and that so much of an act, entitled "An Act relating to judicial districts of this commonwealth," passed the fifth day of April, one thousand eight hundred and forty-nine, as fixes the time of holding the courts of Warren county, is hereby repealed.

Carbon county,
time of holding
courts in.

SECTION 4. That the courts in Carbon county shall, after the first day of April next, commence on the Mondays following the commencement of the courts in the county of Monroe.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 22.

AN ACT

Relative to the purchase by the United States of a certain banking house and lot in the town of Erie, Erie county, to be used as a custom house.

Consent of the
legislature given
for the purchase
by the United
States, of a cer-
tain lot of ground,
&c.

Proviso.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the consent of this legislature be and the same is hereby given for the purchase by the United States, of a certain lot or piece of ground and a banking house thereon erected, formerly occupied by the president, directors and company of the Bank of the United States, situate in the town of Erie, in the county of Erie, and that all the right, title, property and interest of this commonwealth in and to the same, are hereby ceded to and vested in the United States of America, as fully, absolutely and to the same extent as this commonwealth now holds and is entitled to the same: *Provided,* That this commonwealth may re-occupy and re-possess the same as heretofore they have occupied and possessed the same, whenever the United States shall cease to occupy the same for the purposes of the government: *And provided,* That the jurisdiction over the said premises, in civil and criminal cases, be the same as before the passing of this act.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 23.

AN ACT

To authorize the council and inhabitants of the borough of Frankford to borrow money, and to revise the plan of the survey and regulation of said borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the council and inhabitants of the borough of Frankford, in the county of Philadelphia, be and they are hereby authorized to borrow, on the credit of the corporation of said borough, a sum of money not exceeding thirty thousand dollars, at such times and in such amounts as may be necessary to defray the expense of erecting public buildings therein; and the said council are hereby authorized to issue certificates of stock, in sums of not less than one hundred dollars, bearing interest not exceeding six per cent. per annum, pledging the revenues and faith of the borough for the payment of the interest semi-annually, and the principal when due.

Council and inhabitants of the borough of Frankford authorized to borrow money.

SECTION 2. That the council and inhabitants aforesaid shall have full power and authority, upon the application of a majority of the owners of property on any street, or part of a street in said borough, not less than a square in length, to pave and curb the foot-ways and gutters, and pitch and pave the street, and shall assess the expense thereof to the freeholders in front of whose ground such foot-ways, gutters and streets shall be paved, pitched or curbed, and shall have the same power to file liens therefor and recover the amount thereof with interest and costs thereon, as are now vested in the commissioners of the districts of Kensington and Richmond.

Authorized to pave and curb foot ways, &c.

SECTION 3. That all fines, forfeitures and penalties incurred against the act of incorporation and ordinances of said borough, may be sued for and recovered before any alderman or justice of the peace in the county of Philadelphia, in such manner as fines and forfeitures are by law recoverable.

Fines, forfeitures, &c., may be sued for, &c.

SECTION 4. That the council and inhabitants aforesaid are hereby vested with full power and authority to revise the plan of the survey and regulation of said borough, and make such alterations as would be beneficial to the borough, whether such alterations consist in laying out new streets, altering the width of streets already opened or laid out and designed to be opened, or to alter the width of foot-ways, or the regulation of the water courses: *Provided*, Such revision and alteration shall be approved and confirmed as is prescribed by the act to provide for the survey of the borough of Frankford, in the county of Philadelphia, approved April fifth, one thousand eight hundred and forty-one: *Provided*, That also where no damages are asked by the freeholders through whose property new streets are laid out, the court shall order the same to be opened on application, without the action of a jury thereon.

Power to revise plan of survey, &c.

Proviso.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 24.

AN ACT

Granting a certain strip or piece of land in front of the lots of the town of Beaver, on the Ohio river, to the borough of Beaver, and authorizing said borough to construct wharves and landings on the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the narrow strip of ground below the lot of David Minis, and between the river Ohio and the lots of the town of Beaver, as laid off by Daniel Leet, deputy surveyor, and ratified by an act of the legislature of this commonwealth, shall be and is hereby declared to be the public property of the borough of Beaver, in the county of Beaver, and its successors, for the use and benefit of all the citizens thereof forever, as a common thoroughfare, landing and means of access to and from the said river; and that the burgess and town council of the said borough, and their successors, shall be and are hereby authorized to improve the same for the use and benefit of the citizens thereof, in such manner as to them may appear reasonable and proper, by leveling, grading, wharfing, making roads, places of landing and otherwise, and to extend their wharves, landing places or other erections for convenient access to and from the said river, out into the stream of the same as far as shall be necessary for said purposes, as well also as for the purpose of securing a good harbor for the use of said borough.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 25.

AN ACT

Forming the borough of Saegertown, in the county of Crawford, into a separate election district; and for changing the place of holding elections in certain election districts; and relative to a town-house in East Fallowfield township, in Crawford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the borough of Saegertown, in the county of Crawford, shall hereafter form a separate school and election district, and the qualified electors thereof shall hold their general, special and borough elections at the frame school house in said borough; the first election for borough officers for said borough, shall be held on the fifteenth day of March, Anno Domini, one thousand eight hundred and fifty, and that Isaac Saeger shall act as judge, and John M'Closkey and Charles Hecker as inspectors of said election, who are hereby required to give ten days' notice of said election, in five or more handbills placed in the most public places in said borough.

Borough of Saegertown erected into a separate school and election district.

SECTION 2. That the qualified electors of the township of Woodcock, in the county of Crawford, shall hereafter hold their general and township elections at the town-house in said township.

Elections in Woodcock township, Crawford county.

SECTION 3. That the road commissioners of East Fallowfield township, Crawford county, are hereby authorized and directed to levy and collect a township tax, in East Fallowfield township, for the purpose of purchasing a lot of ground, not exceeding one-half acre, and erecting thereupon a suitable town-house for all township purposes; the said commissioners shall levy the aforesaid tax upon all real and personal property that is now taxable for county and road purposes, and shall levy and collect the same in money, at the time and manner, and by the same authority that the school tax is now levied and collected: *Provided,* That the aforesaid tax shall be collected and kept in a separate fund for the above-mentioned purposes; and that the aforesaid town-house shall be finished for election and township purposes on or before the second Tuesday of October, one thousand eight hundred and fifty.

Commissioners of East Fallowfield township, Crawford county, authorized to levy and collect tax, &c.

Proviso.

SECTION 4. That John Henry, James S. Shellito and Robert M'Entire are hereby constituted a building committee, with full authority to purchase the aforesaid piece or parcel of ground, not exceeding one-half acre, and construct and build the aforesaid town-house thereupon, in such manner as they may deem expedient and proper. The deed for the aforesaid piece or parcel of ground, shall be taken in the name of the township auditors and their successors, for the use of said township forever. The road commissioners shall pay, or cause to be paid over to the building committee, all moneys collected for the aforesaid purposes, within ten days after the said money is collected: And further, it shall be the duty of the township auditors to examine and settle the accounts of the building committee, upon the completion of the aforesaid town-house, and report upon the same, in the same manner that they now settle with the road commissioners and path-masters: *Provided,*

Building committee.

Deed for property to be taken in the name of the township auditors.

Duties of township auditors.

Proviso.

That the building committee shall purchase the aforesaid lot of ground at or as near the centre of the aforesaid township as practicable, and that the whole expense of the ground and house shall not exceed two hundred and twenty-five dollars; and that the township and general elections hereafter shall be held at the aforesaid town-house, in the township of East Fallowfield, Crawford county.

Union township,
Schuylkill
county.

SECTION 5. That the qualified electors of Union township, in the county of Schuylkill, shall hereafter hold their township and general elections at the house of Daniel Goho, in said township.

North East ward,
Pottsville,
Schuylkill
county.

SECTION 6. That the qualified voters of the North-East ward of the borough of Pottsville, in the county of Schuylkill, shall hereafter hold their general and ward elections at the house of Patrick Curry, in said ward.

Repeal of certain
act so far as re-
lates to Vernon
township, Craw-
ford county.

SECTION 7. That the act, entitled "An Act relating to roads and bridges in the counties of Crawford, Clearfield and Greene," approved the seventh day of May, one thousand eight hundred and forty-four, and all supplements thereto, be and the same are hereby repealed, so far as it relates to the township of Vernon, in the county of Crawford.

South Butler
township, Butler
county, elections
in.

SECTION 8. The qualified voters of South Butler township, Butler county, shall hereafter hold their general and township elections at the house now occupied by Martin Laurent, senior, in said township.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 26.

AN ACT

To authorize John Beitler and Ezekiel Evans to sell a lot of ground in Uwchlan township, Chester county, for school purposes; and relating to the borough of Canonsburg, Washington county.

Preamble.

WHEREAS, A certain Joseph Phipps and Mary, his wife, by their deed of indenture bearing date the fifth day of April, in the year of our Lord, one thousand seven hundred and thirty-six, and recorded at West Chester, in deed book P, volume 15, page 135, granted and conveyed a certain piece or lot of land situate in the township of Uwchlan, in the county of Chester, containing about one acre of land, unto Samuel John, Charles Gatlave and John Vaughan, in trust for the use and benefit of the inhabitants of the said township of Uwchlan, for a school house and the purposes of a school:

And whereas, No school house has ever been erected on said lot or piece of ground, owing to its unfitness for that purpose, and the same is

therefore useless to the citizens of the township for the purposes designated in said deed:

And whereas, It is desirable that the said lot or piece of ground should be sold, and the proceeds thereof be paid over to the board of directors of the public school of said township of Uwchlan, to be applied to general school purposes in said township, and the trustees aforesaid all being dead; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John Beitler and Ezekiel Evans, of the township of Uwchlan aforesaid, be and they are hereby authorized to sell at public sale, after having given sufficient notice of the same, the above lot or piece of land bounded and described as follows: beginning at a white oak marked in the land of Jonathan Phipps; and from thence west forty-five degrees south eight perches to a stake in or near the main road of the said township, (known as the Warwick road,) from thence south forty-five degrees east twenty perches to a stake; thence east forty-five degrees north eight perches to a chestnut; thence north forty-five degrees west twenty perches to the place of beginning, containing by estimation one acre of land be it more or less, and pay over the proceeds of the sale of the said lot or piece of ground to the board of directors of public school in said township of Uwchlan, to be by the said board applied to the general uses of the public school of the said township.

John Beitler and Ezekiel Evans authorized to sell certain real estate.

SECTION 2. That from and after the passage of this act, the burgess and town council of the borough of Cannonsburg, county of Washington, are hereby authorized and empowered to make a deed conveying the title to James M'Ewen, for a certain alley in said borough, joining lands of said James M'Ewen, and others.

Borough of Cannonsburg authorized to make a deed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 27.

A SUPPLEMENT

To an act, entitled "An Act to establish the university at Lewisburg."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That so much of the fourth section of the third article of the act, entitled "An Act to establish the university at Lewisburg," approved the fifth

Repeal of a portion of certain act incorporating the university at Lewisburg.

day of February, Anno Domini, one thousand eight hundred and forty-six, as requires the trustees of said university to meet as often as once in six months, be and the same is hereby repealed; and that they shall be required to meet as often as twice a year, at such times as they may determine by by-laws or otherwise, and that no failure to meet heretofore in accordance with the second section, shall be deemed in any wise to impair the rights and privileges of the said university.

Certified copies, &c., to be received in evidence.

SECTION 2. That extracts taken from the records of the board of trustees of the university at Lewisburg, certified by the secretary, under the seal of said board of trustees, shall be received in evidence to all intents and purposes as the original would be in any court of justice of this commonwealth.

Purchase made valid.

SECTION 3. That all purchases heretofore made by said board of trustees, of real and personal estate, shall be and are hereby made good and valid to all intents and purposes; and the said trustees are hereby fully authorized to sell and convey so much of the same, and in such parts and parcels, as they may deem proper.

Construction of a part of certain act.

SECTION 4. That so much of the fifth section of the fourth article of the act, entitled "An Act to establish the university at Lewisburg," aforesaid, to which this is a supplement, as requires the fourth part of the one hundred thousand dollars obtained in the form of subscription to said university, to be placed out at interest, the principal or stock to be secured on real estate, be and the same is hereby construed to mean that said trustees are not bound to place out at interest any part of the first, second or third instalments, collected or to be collected of the said one hundred thousand dollars, (if in their opinion the good of the institution requires the same to be appropriated to other purposes,) but may reserve the fourth and last instalments to be placed out at interest, so that in the end they put out at interest as aforesaid one-fourth of the moneys collected.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 28.

AN ACT

To change the place of holding the elections in Brokenstraw township, Warren county, and Sugar Creek township, Venango county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the general and township elections of the township of Brokenstraw, in Brokenstraw the county of Warren, shall hereafter be held at the house of William township, Warren county, place Mead, second, known as the American hotel, until the house of John ren county, place Siggins, recently destroyed by fire, shall be rebuilt, when said elec- of holding elections shall be held at the house of said Siggins as heretofore. tions in changed.

SECTION 2. The qualified electors of Sugar Creek township, Ve- Sugar Creek nango county, shall hereafter hold their township elections at the school township, Venango county house number one, in said township.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 29.

AN ACT

To authorize the Jenkinstown lyceum company to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Jenkinstown lyceum, located in the county of Montgomery, is hereby authorized to borrow any sum or sums of money, not exceeding five hundred dollars, to liquidate the debt on said institution, and to mortgage the corporate property to secure the payment of the same.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 30.

AN ACT

Relating to elections in the township of Wilmot, county of Bradford, and the assessment and collection of taxes in the same.

Wilmot township, Bradford county, erected into a separate election district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the township of Wilmot, in the county of Bradford, is hereby erected into a separate election district, and the qualified voters thereof shall hold their general and township elections at the school house near James Foster's, in said township; and Henry Gaylord is hereby appointed judge, and Wellington Washburn and James Foster inspectors, for the township elections there to be held for said township. Vacancies in said board to be filled in the manner now provided by law. Notices signed by the said judge and inspectors, or either of them, posted in five of the most public places in said township, for five days, informing the qualified voters of said township of the time and place of holding said election, shall be deemed a valid notice thereof; and that the said township election shall be held on the third Friday of February, in the present year, one thousand eight hundred and fifty, and on the third Friday of January in each year thereafter.

Asylum township, relative to assessment in.

SECTION 2. The assessment made by the assessor of Asylum township, upon the persons and property in that part of Wilmot township which was formerly Asylum township, and the assessment made by the assessor of Albany township, upon the persons and property in that part of Wilmot township which was formerly Albany township, shall be held to be a good and valid assessment for Wilmot township; and the transcript directed to be issued by the county commissioners of Bradford county, under the act, entitled "An Act relating to county rates and levies, and township rates and levies," passed fifteenth April, one thousand eight hundred and thirty-four, shall issue to the respective assessors of said townships of Albany and Asylum, for such portions of the taxables of Wilmot as were assessed by said assessors respectively; and the notices directed by said act shall be given, and appeals held for the present year, one thousand eight hundred and fifty, as though said township of Wilmot had not been erected; but the commissioners of Bradford county are hereby required to make out a separate duplicate of taxes for said township, and to place the same in the hands of a collector whom they shall appoint.

When the assessor of said township to enter upon his duties.

SECTION 3. That the assessor who may be elected at said township election, for the year one thousand eight hundred and fifty, shall enter upon the duties of his office on the first day of August next ensuing his election; and that all town, school, poor and unseated land road taxes, assessed for the year one thousand eight hundred and forty-nine and fifty, upon the persons or property within the boundaries of present Wilmot township, shall belong to said new township, and be payable to and collectable by the township officers who may be elected

or appointed therefor, under the provisions of this act, and their successors.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 31.

AN ACT

To divide the borough of Allentown, in the county of Lehigh, into two wards.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the borough of Allentown, in the county of Lehigh, shall be and is hereby divided into two wards, in manner following, to wit: All that part of said borough lying north of the middle of Hamilton street, shall compose one ward, to be called North ward, and all that part of said borough lying south of the middle of said Hamilton street, shall compose another ward, to be called South ward: *And provided,* That the borough of Allentown be and remain one school district as if this act had not been passed.

Division of the borough of Allentown into two wards.

SECTION 2. Each of said wards so constituted shall form a separate election district, and shall vote for and elect one justice of the peace for said ward, one constable, one assessor, one school director, one street commissioner, one judge of elections, two inspectors of elections, and alternately, three of the five councilmen which are annually elected in said borough: *Provided,* That at the first election for borough officers after such division shall have taken place, the three members of the town council shall be elected in the North ward of said borough.

Separate election districts.

Proviso.

SECTION 3. That the officers whose duty it is to hold the elections of said borough, shall hold the first election of the South ward, and the town council of said borough shall appoint the officers for holding the first election of the North ward.

Election in South ward.

SECTION 4. That all officers whose election is not provided for in this act, shall be elected as heretofore: *Provided,* That the elections of each ward shall be held at the places hereinafter mentioned, and that the judges of each ward shall be return judges, and shall make return jointly of the election of said officers, in manner and form as was made by the election officers of said borough before the passage of this act.

Officers whose election is not provided for in this act, to be elected as heretofore.

SECTION 5. The ward elections of the North ward, shall be held at the public house now occupied by William Derr, in said ward, and the

Place of holding elections.

elections of the South ward, shall be held at the public house now occupied by John Kleckner, in said ward; all general elections shall be held in the county court house, the qualified voters of each ward voting at separate windows.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 32.

AN ACT

To incorporate the cemetery of the Methodist Episcopal church at Lewistown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Stoner, John Evans, George Wiley, George Miller, John C. Sigler, Benjamin J. Scills and William Lind, trustees in trust for the Methodist Episcopal church at Lewistown, and their successors in office, agreeably to the rules and form of discipline by which the said church is governed from time to time, be and they are hereby created a body politic and corporate in law, by the name, style and title of "The Cemetery of the Methodist Episcopal church at Lewistown;" and by that name shall have perpetual succession, and be able to sue and be sued in any court of law or equity, and may have a common seal, and the same at their pleasure to alter or renew, and shall have power to purchase, have, hold and enjoy, to them and their successors, such real estate as they now hold, with such other real estate as they may require for the purpose of establishing said cemetery: *Provided,* That the whole quantity of real estate to be held by them as a corporation, shall not exceed five acres; and the said corporation shall have authority to receive gifts or bequests, for the purpose of ornamenting or improving said cemetery, and to hold such personal property as may be necessary to carry out the object of this act.

SECTION 2. That the affairs of said corporation shall be conducted and governed by the trustees in trust as aforesaid, and their successors in office, agreeably to the rules and form of discipline by which the said church is governed from time to time, who shall have power to lay out and ornament the ground purchased, or which may be purchased for said cemetery; to erect such buildings thereon as may be necessary for the enjoyment of the same; to lay out, sell and dispose

Corporators.

Style.

Privileges.

Proviso.

Trustees.

Rules of government.

of burial lots; to appoint all necessary officers, and fix their several duties and compensations; and to make such by-laws, rules and regulations as they may deem proper for conducting the affairs of the corporation; for the government of lot holders and visitors to the cemetery; and for the transfer of lots, and the evidence thereof.

SECTION 3. That every lot conveyed in such cemetery, shall be held by the proprietor for the purpose of sepulture alone; transferable with consent of the trustees in trust, and their successors in office, as aforesaid, and shall not be subject to attachment or execution; and that the said cemetery shall hereafter be forever exempted from taxation: *Provided*, That said exemption from attachment or execution shall not extend to more than four lots held by any one individual.

Property exempt
from taxation,
&c.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 33.

AN ACT

To extend the time for completing the Butler and Freeport turnpike road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for the completion of the Butler and Freeport turnpike road, is hereby extended for a period of five years, to be computed from the twenty-second day of February, one thousand eight hundred and fifty.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 34.

AN ACT

For the purpose of correcting a clerical error in the twenty-second section of the act, entitled "An Act to provide for the ordinary expenses of government, for the repairs of the canals and railroads of the commonwealth, and the payment of other claims due the same," passed the tenth April, one thousand eight hundred and forty-nine.

WHEREAS, An error has occurred in transcribing the twenty-second section of the appropriation act of the tenth of April last, the name of William Keeler being written as William Reber, and the name of Moses J. Clark being written as Moses Y. Clark; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That where the name of William Reber occurs in the twenty-second section of the appropriation act of the tenth April last, it shall be read William Keeler, and where the name of Moses Y. Clark occurs, it shall be read as Moses J. Clark, so that under said act the money therein mentioned shall be payable to Henry W. Tracy, as attorney in fact of William Keeler.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 35.

AN ACT

Authorizing William M. M'Cormick to pay an annuity charged upon his land.

Treasurer of the
Great Island
church, Clinton
county, author-
ized to receive
certain moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the treasurer of the Great Island church, in the county of Clinton, be authorized and empowered to receive from William M. M'Cormick, or those claiming under him, the sum of five hundred dollars, to be placed at interest, and the same annually applied to the payment of the pas-*

tor of said church; the said treasurer's receipt to be filed in the court of common pleas of Clinton county, and be a full and complete discharge of the land charged with the same, in the last will and testament of Alexander M'Cormick, deceased.

SECTION 2. That the treasurer of the said congregation shall give bond, with good and sufficient sureties, in such sum as the trustees To give bond. thereof shall direct and approve, for the faithful performance of the duties of his office; and the loans of the said sum shall be secured by bond and mortgage on sufficient real estate.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 36.

A SUPPLEMENT

To an act, entitled "An Act to authorize the governor of this state to incorporate a company to construct a bridge over the river Delaware, and near the town of Milford, in the county of Wayne, Pennsylvania," passed the twenty-eighth day of March, one thousand eight hundred and fourteen.

WHEREAS, The bridge erected by the company incorporated by the acts to which this is a supplement, was carried away by a freshet and Preamble. entirely lost :

And whereas, The said company have since that time collected all their assets, and being unable to re-build said bridge, have made a distribution to and among the stockholders:

And whereas, The stock of said bridge is so much scattered, and some of the stockholders cannot be consulted, and others of them are incapable of acting, and it is desirable that said bridge should be again erected; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the said president, managers and company be and they are hereby authorized to issue new stock, to an amount sufficient to re-build said bridge: *Provided, That in re-building said bridge, it shall be so constructed as not to interfere with or impede the navigation of the river.* President and managers authorized to issue new stock.

SECTION 2. That when said new stock shall be subscribed, and such parts of it be paid as may be agreed upon and be necessary, the said new stockholders shall be deemed to be the only stockholders of said bridge: *Provided: That said president, managers and company shall give public notice of the time when, and places where they will receive* New stockholders to be deemed the only stockholders. Proviso.

subscriptions for the said new stock: *And provided also*, That the present stockholders, or any of them, shall have a right to subscribe for the amount of stock now held by them, if they desire so to do, in preference to any other persons: *And provided also*, That the assent of the state of New Jersey to this supplement be first obtained.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 37.

AN ACT

Relative to the safe keeping of prisoners in the county of Mifflin.

WHEREAS, The present jail in the county of Mifflin is insufficient for the safe keeping of prisoners; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the sheriff of Mifflin county is hereby authorized, if he shall deem it necessary for the safe keeping of prisoners, to lodge them in the jail of Dauphin county, the jailor whereof is hereby directed to receive such prisoners into his custody, and there to keep until demanded by the sheriff of Mifflin county; and all expenses so incurred shall be paid by an order drawn by the commissioners of Mifflin county, in favor of the county of Dauphin.

Prisoners to be removed to Dauphin county prison.

Expenses, how paid.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The first day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 38.

A FURTHER SUPPLEMENT

To the act, entitled "An Act to authorize the governor to incorporate the Philadelphia and Reading railroad company," approved the fourth day of April, one thousand eight hundred and thirty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the mortgages heretofore executed by the Philadelphia and Reading railroad company, in trust, be and they are hereby declared to be good and valid in all their provisions, and that the real and personal property of the said company, shall and may with the assent of the trustees named in the mortgage, dated the seventh day of November, one thousand eight hundred and forty-nine, remain in the possession and under the control of the said company, without prejudice to the security of any of their mortgages, and while so remaining, the same shall be held and regarded as in the possession and custody of the trustees of the several mortgages according to their respective rights and priorities; and that the property of the said company shall not be liable to levy or sale under any judgments hereafter obtained, until the mortgages thereupon shall be fully paid and satisfied: *Provided,* That the said mortgages be paid or satisfied when they fall due: *And provided further,* That nothing herein contained shall be so construed as to affect the recovery of any claim against said company, for work or labor now or hereafter to be done, or materials now or hereafter to be furnished, or for land damages now due or hereafter to become due; but that the provisions of this section shall be construed to extend only to the holder or holders of the bonds due on the first day of January, A. D., one thousand eight hundred and fifty.

SECTION 2. That if at any time the said company shall surrender their real or personal estate to any of the trustees named in any of their mortgages, such surrender and delivery of possession shall be held and regarded as though made to the trustees of each of the mortgages respectively and successively, and according to their respective priorities; and such property shall be held and regarded as in the possession of such trustees of the several mortgages respectively, according to their respective rights; and the said trustees may at any time at their discretion, and without prejudice to any of the mortgages, or the rights thereby secured, re-convey the said estate so surrendered to the said company.

SECTION 3. That it shall be the duty of the said company, to give notice of the execution of their mortgage, dated November seventh, one thousand eight hundred and forty-nine, and the purposes thereof and of this act, in one daily newspaper in the cities of New York, Boston, Baltimore and Philadelphia, for four consecutive weeks; and that all the holders of the bonds of said company payable January first, one thousand eight hundred and fifty, who shall not before the first day of May next, express in writing to said company their dissent thereto, shall be taken and considered to have assented thereto, as fully as if such assent had been given in writing, and with like effect as if such holders had duly surrendered their said bonds payable as aforesaid, and

Mortgages heretofore executed by the Philadelphia and Reading railroad company declared good and valid, &c.

Property of company not liable to levy and sale under judgments hereafter obtained, &c.
Proviso.

Surrender of the property of said company, how to be held and regarded.

Notice of the execution of certain mortgage to be given.

Holders of bonds to give notice of dissent, &c.

Proviso.

had accepted new bonds in lieu thereof, payable in one thousand eight hundred and seventy, and secured by said mortgage: *Provided*, That said company shall within sixty days from the passage of this act, commence the erection of a passenger depot within the borough of Pottsville, and prosecute the erection of the same without unreasonable delay thereafter, and from and after the erection of the same, receive and there discharge passengers going to and from said borough.

No dividends to be declared until, &c.

SECTION 4. That it shall not be lawful for said company to declare and distribute amongst the stockholders, any dividends, or purchase any of its bonds or obligations, until the interest due and payable upon the bonds or other debts shall be paid, or the payment of the same be fully provided for.

Stockholders to be jointly liable as partners trading, &c.

SECTION 5. The stockholders of the said company shall be jointly liable as partners trading together in business, for all the debts of the company hereafter contracted, and such debts may be sued for and recovered in the same manner that the debts of partners trading together in business, may now be sued for and recovered: *Provided*, That the provisions of this section shall not apply to bonds which may be issued by said company, in lieu of or in exchange for bonds which said company may under existing laws legally issue, or to engagements which said company may under existing laws enter into: *And provided further*, That suit shall first be brought against the company, and its assets be exhausted.

Proviso.

Payment of state taxes.

SECTION 6. That within thirty days after the passage of this act, the said company shall pay the state taxes now due and unpaid to the commonwealth, and if not paid, this act shall be void and of no effect.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of February, Anno Domini, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 39.

AN ACT

Allowing compensation to the auditor general and state treasurer, for their services as commissioners of the internal improvement fund and sinking fund.

Preamble.

WHEREAS, The secretary of the commonwealth receives an annual salary as such, of twelve hundred dollars, and the additional sum of five hundred dollars, as superintendent of common schools:

And whereas, It is believed the duties of the auditor general and state treasurer each are equally, if not more laborious, intricate and responsible, and that justice requires that the annual salaries of said officers should be equal; therefore,

OF THE SESSION OF 1850.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor general and state treasurer shall each receive, in addition to the salaries now allowed said officers by law, the sum of three hundred dollars per annum, for their services respectively, as commissioners of the internal improvement fund, and as commissioners of the sinking fund; this act to take effect from and after the tenth day of April, one thousand eight hundred and forty-nine.

Auditor general
and state treas-
urer to receive
additional pay.

SECTION 2. From and after the passage of this act, the salary of the surveyor general shall be fourteen hundred dollars per annum, and that of the deputy secretary of the commonwealth shall be twelve hundred dollars per annum.

Surveyor general
and deputy sec-
retary to receive
additional pay.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

We do certify, that the bill, entitled "An Act allowing compensation to the auditor general and state treasurer, for their services as commissioners of the internal improvement fund and sinking fund," was presented to the governor on the twenty-third day of January, one thousand eight hundred and fifty, and was not returned within ten days, Sundays excepted, after it had been presented to him; wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.

SAML. W. PEARSON,
Clerk of the Senate.

HARRISBURG, February 5, 1850.

No. 40.

A N A C T

Changing the place of holding elections in the township of Mount Pleasant, county of Wayne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of the township of Mount Pleasant, in the county of Wayne, shall hereafter hold their general and township elections at

the public house now owned and occupied by S. V. R. Sherwood, in the borough of Pleasant Mount, in said county.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 41.

AN ACT

To confer on George Waddle, of Greene township, Franklin county, all the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That George Waddle, son of Joseph Waddle, of Greene township, Franklin county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 42.

A N A C T

Relative to the destruction of wolves and panthers in the county of Centre.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the act of sixteenth March, one thousand eight hundred and nineteen, entitled "An Act to encourage more effectually the destruction of wolves and panthers," be and the same are hereby re-extended to the county of Centre; and that any act altering or changing the same, so far as regards the said county, be and the same is hereby repealed.

Provisions of certain act relative to wolves and panthers, extended to Centre county.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 43.

A N A C T

Authorizing the committee of the estate of Peter Young, a lunatic, to apply the estate of said lunatic for his support.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the court of common pleas of Washington county, to authorize the committee of the estate of Peter Young, of Carrol township, in said county, a lunatic, to apply annually for his support, such amount of said estate as shall be deemed necessary for his safe keeping and comfort.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, Anno Domini, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 44.

A SUPPLEMENT

To an act, entitled "An Act relating to bridges in Luzerne and Wayne counties."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act of assembly, entitled "An Act relating to bridges in Luzerne and Wayne counties," passed twenty-fourth March, one thousand eight hundred and forty-six, be and the same is hereby repealed, so far as the same relates to the county of Wayne.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 45.

AN ACT

To incorporate the Holmesburg Athenæum association, in the county of Philadelphia.

Preamble.

WHEREAS, Certain citizens of this commonwealth hereinafter named, residents of the town of Holmesburg and its vicinity, have associated for the erection of a public hall in the said town of Holmesburg, to be used for literary purposes generally, as well as for such other public objects as may seem fitting:

And whereas, They are desirous of acquiring and enjoying the powers and immunities of a corporation or body politic in law; therefore,

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That J. W. Wheatland, Jacob Waterman, George Fox, J. P. Comley, Charles Hilborn, John Finlayson, junior, S. H. Barrett, Charles E. M'Neal, John H. Ingham, Lewis Schallcross, Christopher Coon and Thomas Helveston and their successors, and all persons who are now and may hereafter be associated with them, be and they are hereby created into a body politic and corporate in deed and in law, by the name,*

style and title of "the Holmesburg Athenæum association;" and by that name shall have perpetual succession, and be able to sue and be sued, answer and be answered, defend and be defended, in all the courts of law or equity within this commonwealth or elsewhere, and hold to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the use of the said association; and also, to take and hold for the use of the said association, any goods and chattles, sum and sums of money, by gift, grant, bargain and sale, will, devise or bequest, from any person or persons whatsoever, and the same at their will and pleasure, to grant, bargain and sell for the use of the said association; and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value or income of five thousand dollars.

Style.
Privileges.

Proviso.

SECTION 2. The capital stock of said association shall not exceed six thousand dollars, in shares of five dollars each; certificates whereof, under the common seal of said corporation, shall issue to the person or persons who may or shall subscribe for the same, upon the payment by him of two dollars on each share; the balance of such shares being payable as follows, to wit: One dollar and fifty cents on the first Monday in April, and one dollar and fifty cents on the first Monday in October following.

Capital stock.

SECTION 3. The persons named herein, or any five of them, may, on giving ten days' notice to the said subscribers of the time and place of meeting, call a meeting of the stockholders, at the town of Holmesburg, for the purpose of organizing said association, and electing officers and trustees to serve till the next annual election.

Organization.

SECTION 4. The government of said corporation, and the management and disposition of its affairs and property, shall be vested in a board of nine trustees, who shall be divided into three classes, one-third of which is to be elected annually, in such time and in such manner as the said association shall by its by-laws provide.

Board of trustees.

SECTION 5. It shall and may be lawful for the said association to have a common seal, and the same at pleasure to change, alter and renew as they think proper; and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

Common seal.

SECTION 6. The corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the laws of the United States or of this commonwealth.

By-laws.

SECTION 7. The legislature reserves the right to alter, revoke or annul the charter of the said association, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice be done to the corporators.

Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 46.

A N A C T

To perfect and preserve the validity of judgments entered upon the appearance dockets in the county of Tioga.

Certain judgments and liens in Tioga county, validated.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, 'That the omission or failure heretofore of the prothonotary, clerk or other proper officer of the several courts of the county of Tioga, within this commonwealth, to transcribe into or enter upon the judgment or lien dockets of said courts, any judgment or judgments or other liens, according to the requirements of the third section of the act of assembly, approved the twenty-ninth day of March, one thousand eight hundred and twenty-seven, which have been properly entered in the continuance or appearance dockets, shall in no wise impair or invalidate such judgments or liens; and all such judgments or liens which shall have been entered upon the appearance or continuance dockets, shall be deemed good and valid to all intents and purposes, as though they had been duly entered upon the judgment or lien dockets according to the requirements of the act of the twenty-ninth of March, one thousand eight hundred and twenty-seven aforesaid: Provided, Nothing contained in this act shall hereafter release or excuse any prothonotary, clerk or other officer of the said several courts of the county of Tioga aforesaid, from keeping a judgment or lien docket according to the provisions and requirements of said act, or release or discharge him from any liability he may have heretofore incurred by any neglect of the duties of his office.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, Anno Domini, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 47.

AN ACT

To vacate Larch and Birch streets, in the Kensington district, and to vacate Arsenal street, in the district of Moyamensing, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Larch street and Birch street, in the district of Kensington, county of Larch and Birch Philadelphia, are hereby vacated; that a certain street of the width of streets, in Kensington district, thirty feet, lying midway between said Larch and Birch streets, and running parallel thereto, is hereby vacated; that a certain street in the district aforesaid, of the width of thirty feet, lying midway between Birch and Harrison streets, and running parallel thereto, is hereby vacated, and the right of soil in said streets to the middle thereof, is hereby vested in fee simple in the parties owning property fronting thereon.

SECTION 2. That that part of Arsenal street running southwardly from Prime street, to an alley leading into Federal street, in the county of Philadelphia, be and the same is hereby vacated, and the title to the soil over which the same passes is hereby vested in fee simple in the several owners of the ground adjoining and fronting on the same respectively, each owner to have and take one-half part thereof so far as his respective lot adjoins and fronts on said street.

Arsenal street,
Philadelphia
county, vacated.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 48.

AN ACT

To incorporate the Farmers' mutual fire insurance company of Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* J. S. Keller, Daniel Weaver, George Bankes, Joseph Deibert, Daniel Dreher, John F. Seltzer, Peter Hummel, Joshua Bock, William Bock, *Corporators.*

Style.	John Seltzer, Daniel K. Moyer, Andrew Kremer, Joseph Albright and all other persons who may hereafter be associated with them in the manner hereinafter prescribed, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of the "Farmers' mutual fire insurance company of Schuylkill county;" and by the same name shall have perpetual succession, and shall be able and capable to sue and be sued, plead and be impleaded in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what kind soever, and choses in action, and the same to sell and dispose of from time to time; and also to make and have one common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the corporation, not being contrary to this charter or the laws of the United States, or of this commonwealth, and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well being of the said corporation, and the due management and well ordering of the affairs thereof: <i>Provided</i> , That the clear yearly value or income of the necessary houses, lands, tenements, rents and annuities or other hereditaments and real estates of said corporation, and the interest of money loaned by it, shall not exceed the sum of two thousand dollars.
Privileges.	
Proviso.	SECTION 2. The object and business of the said company is hereby prescribed to be the insurance of their respective dwelling houses, barns, mills and other out houses and contents, against loss or damages occasioned through any unavoidable accident by fire.
Object.	SECTION 3. All persons who shall hereafter insure with said corporation, and also their heirs, executors, administrators and assigns continuing to be insured in said corporation as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by the said corporation and no longer.
Members.	SECTION 4. The affairs of the said company shall be managed by a board of directors consisting of thirteen members, to be elected and chosen as hereinafter provided, which board shall elect from its own number one person as president, one as secretary and one as treasurer, of whom they shall require such security as they may provide by their by-laws; and may employ such other officers, clerks, agents and attorneys as may be found necessary for the transactions of the business of the institution; a majority of said board shall constitute a quorum to do business.
Board of directors.	SECTION 5. The members of the company shall, upon twenty days' notice in one or more newspapers published in the county of Schuylkill, to meet at such place as the majority of the votes present at any stated meeting may determine, on the last Saturday of November, assemble themselves for the purpose of holding an election for directors; and such election shall be held under the inspection of three members, to be chosen by the members present at the time and place of holding the election; such election shall be by ballot, and a majority of the votes given elect; and the directors so elected shall continue in office until the last Saturday in November in the succeeding year, or until others are elected, on which day annually thereafter, an election shall be held for directors as is provided for in this act; each member shall be entitled to one vote. In case of death, resignation or removal from the county of any of the board of directors, the board shall have power to fill such vacancy until the ensuing annual election.
Officers.	
Election.	

SECTION 6. Every person who shall become a member of this company by effecting insurance therein, shall, before receiving a policy, pay one dollar to the person issuing policies for every thousand dollars' worth of property he, she or they shall have insured, and so in proportion for a less or greater sum, besides twenty-five cents for the policy; and it shall be lawful for said company to loan such portion of money on hand as may not be immediately wanted for the purpose of said company, to be secured by judgment or mortgage, creating a lien upon real estate of sufficient value beyond other incumbrances, to render the same perfectly secure, or upon other good and sufficient security.

Payment to be made before receiving policy.

SECTION 7. Every member of said company shall be bound to pay for losses and such necessary expenses aforesaid, accruing in said company, in proportion to the amount of property insured by him, her or them.

Payment in case of losses.

SECTION 8. Suits at law may be prosecuted and maintained by any member against the said company for losses and damages by fire, if payment be withheld or refused for more than three months after the company shall have been notified of such losses; no member of the company not being in his individual capacity a party to the suit, shall be incompetent as a witness on account of being a member of the company.

Suits.

SECTION 9. The directors, after ascertaining the amount of loss or damage by fire, sustained by any of its members, in such a manner as they by their by-laws may prescribe, shall settle, and the members shall pay the same to the treasurer of the company within sixty days after the publication of said notice. On neglect or refusal to pay the sum assessed upon him, her or them as a portion of any loss as aforesaid, in such case said company may sue for and recover the said amount with cost of suit.

Proceedings in case of neglect to pay assessment.

SECTION 10. It shall be the duty of the treasurer of said company, at the annual meeting provided for in the fifth section, to exhibit in detail the condition of the finances of said company, and the names of the persons to whom the funds of the company have been loaned; and it shall also be the duty of said treasurer and the secretary of said company, at the annual meeting aforesaid, or whenever at any other time a majority of the board of directors shall require the same, to produce all such books and papers appertaining to the business of said company, within thirty days after the last Saturday of November of each year. It shall be the duty of the officers of the company to cause to be made and printed in at least one newspaper published in the county of Schuylkill, a general statement of the affairs of the said company, and deliver to each member, upon request, a copy thereof.

Exhibit of affairs.

SECTION 11. The thirteen persons named in the first section of this act shall constitute the board of directors of said institution, until the last Saturday of November, in the year of our Lord one thousand eight hundred and fifty, or until others are elected in their stead.

Who are to be the first board of directors.

SECTION 12. This act shall not be binding until insurance to the amount of one hundred thousand dollars shall have been effected.

When this act to be binding.

SECTION 13. The legislature may at any time alter, modify or amend its provisions, in such a manner as not to do injustice to the company.

Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 49.

AN ACT

Authorizing the county commissioners of Schuylkill and Northampton counties to borrow money, and relative to the assessments of Adams county.

Commissioners of Schuylkill county authorized to borrow money.

Object.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Schuylkill are hereby authorized to borrow, on the credit of said county, such an amount of money, not exceeding forty-five thousand dollars, as they shall deem necessary for the purpose of procuring a suitable lot or lots of ground within the borough of Pottsville, in said county, and erecting and building upon the said lot or lots of ground, a suitable county prison or jail, as authorized and required to be done in and by an act, entitled "An Act for the removal of the seat of justice of the county of Schuylkill, from Orwigsburg to the borough of Pottsville," passed the eighth day of March, one thousand eight hundred and forty-eight; and to borrow the same in such sums and on such terms, and payable at such time or times, as they may find practicable and shall deem expedient.

Commissioners of Northampton county authorized to borrow money.

SECTION 2. That the county commissioners of the county of Northampton, are hereby authorized to borrow, for the purpose of erecting a new jail in said county, a sum not exceeding ten thousand dollars, and to execute and deliver for securing the same, the bonds of said county, in sums of not less than one hundred dollars, payable within five years from the date hereof, and bearing an interest not greater than six per cent. per annum; and that the said commissioners shall not dispose of said bonds on behalf of said county, for less than the par value thereof, under the penalty of three hundred dollars for each and every offence, to be recovered by any person or persons who shall sue for the same, as debts of like amount are recoverable; the one-half part thereof for the use of the person or persons suing for the same, and the other one-half part thereof to the use of the said county.

Relative to assessment in Adams county.

SECTION 3. That the commissioners of Adams county are hereby authorized to add any proportion, not exceeding one-third, to the amount of assessment of county taxes, for the year one thousand eight hundred and fifty already made; such addition to be made to the amount of assessments after the same shall be adjusted by appeal, and to be applied towards the re-building of the county jail of Adams county.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, Anno Domini, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 50.

AN ACT

To lay out and cause to be opened a state road from the Lunatic hospital to the Susquehanna river; and relative to a turnpike road in Indiana county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the commissioners for the erection of the Pennsylvania State lunatic hospital, be and they are hereby authorized and directed, as soon as conveniently may be, to lay out and cause to be opened a state road of the width of fifty feet, commencing at a point on the public road in the township of Susquehanna, Dauphin county, leading from M'Conaughy's run, in said township, to the borough of Harrisburg; said point for the commencement of the aforesaid state road to be on said public road, and in a line with the eastern end of the line dividing the farms of doctor Luther Reily and George and Bernard Geiger, the latter now deceased, and terminating on the Susquehanna river on the land of David Hummel, in the township aforesaid; the damages, if any, to be ascertained and paid as is provided by the act of assembly of this commonwealth, passed the thirteenth June, one thousand eight hundred and thirty-six, entitled, "An Act relating to roads, highways and bridges."

SECTION 2. That Marlin Walker, of the county of Indiana, be and he is hereby appointed a commissioner, to change, alter and re-locate, at its present width, that part of the Armstrong and Indiana turnpike road which lies between the bridge adjacent to the residence of the said Walker, and the end of Wiggins' lane, in said county.

SECTION 3. The supervisors of Armstrong township, in said county, shall immediately, upon receiving notice from said commissioner of the change and re-location aforesaid, open the said road, and thereafter keep the same in repair, in the same manner as other parts of said road within the said township.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 51.

AN ACT

Supplementary to an act, entitled "An Act to incorporate the Equitable insurance, life insurance, annuity and trust company, and for other purposes," passed the seventeenth day of April, one thousand eight hundred and forty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the name of the said Equitable insurance company in the said title mentioned, be and hereby is changed to that of the United States insurance, annuity and trust company, and the said company shall be hereafter known by the latter name as effectually for all purposes, as if so named in the original act of incorporation.

Name of the Equitable insurance company, changed.

Profits to be divided pro rata.

SECTION 2. That all persons who shall hereafter become insured in the life department of said company, shall thereby become members during the period they shall remain insured by the said company and no longer; and the profits made by said life insurance department, shall be divided pro rata among the members insured therein; and every such member shall be allowed one vote at all elections for trustees; no life member shall be liable for any losses or expenses of said company beyond the amount of premium which he may agree to pay said company.

May invest funds in the funded debt of the United States, &c.

SECTION 3. It shall be lawful for said company to invest all moneys received for premiums on life or health assurance or otherwise, in the funded debt of the United States, in the state of Pennsylvania, or other of the United States, of the county of Philadelphia, city of Philadelphia, or other cities or counties of the states of the United States, and in bonds and mortgages secured on real estate and in ground rents; and the same to sell, change or re-invest as the trustees may from time to time deem proper.

Married women may cause to be insured for their use, &c.

SECTION 4. It shall be lawful for any married woman by herself and in her name, or in the name of any third person with his assent as her trustee, to cause to be insured for her sole use and benefit, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount payable by the terms of the policy shall be paid to her for her own use, free from the claims of her husband, or his representatives, or creditors; and in case of the death of the wife before that of her husband, such amount shall inure and be payable to her children, or heirs at law, or to such other persons as she may by will, or instrument in nature of a last will, have directed.

Management of the life and health department.

SECTION 5. The life and health insurance department shall be managed by a board of trustees, to consist of five persons, who shall be elected from among the stockholders, and shall continue in office for the term of one year or until others are elected in their stead.

First board of trustees.

SECTION 6. The five first named subscribers to the stock of said company shall constitute the first board of trustees, who shall continue

in office until the annual election in June, one thousand eight hundred and fifty, and until a new board shall have been elected.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 52.

A SUPPLEMENT

To an act, entitled “An Act authorizing the governor to incorporate the Wrightsville and New Holland turnpike road company, and for other purposes,” approved April ninth, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of York county be hereafter required to publish the list of trials and the list of jurors for the several courts of said county, in not less than three newspapers published in the county of York, at least three weeks before the meeting of said courts; and that so much of the fifth section of an act, entitled “An Act authorizing the governor to incorporate the Wrightsville and New Holland turnpike road company, and for other purposes,” approved the ninth day of April, one thousand eight hundred and forty-nine, as is inconsistent with this be and the same is hereby repealed.

List of trials and
list of jurors in
York county, to
be published, &c.

Repeal.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 53.

AN ACT

Supplementary to an act, entitled "An Act to authorize the incorporation of a company to erect a bridge over the Juniata river at Newport, Perry county."

Act incorporating a company to make a bridge over the Juniata river at Newport, revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the act, entitled "An Act to authorize the incorporation of a company praying to erect a bridge over the Juniata river at Newport, Perry county," approved the seventh day of April, one thousand eight hundred and forty-five, be and the same is hereby revived, and the time to proceed to carry on the said work, be extended to three years from the passage of this act, and the time for the completion of said bridge, to five years thereafter, and John Huggins is hereby appointed a commissioner to fill the vacancy occasioned by the death of James Jackman.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 54.

A SUPPLEMENT

To an act to incorporate the Summit Branch railroad company, in Dauphin and Schuylkill counties.

Additional powers granted to the Summit Branch railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the "Summit Branch railroad company," incorporated by the act of the twentieth of March, one thousand eight hundred and forty-six, be and the same is hereby invested with all the privileges, and made subject to the liabilities of the "Bear Mountain railroad company," as incorporated by the act of the thirteenth of July, one thousand eight hundred and forty-two, and its several supplements, of the fourth of February, one thousand eight hundred and forty-three, the twenty-ninth of March, one thousand eight hundred and forty-four, and the twenty-sev-

enth of March, one thousand eight hundred and forty-five, with the exception of the provisions of the first, second, tenth, fourteenth, and twenty-seventh sections of the original law.

SECTION 2. That it shall be lawful, under its charter, for the "Summit Branch railroad company," to take and hold such land for stationary engines, sidings, transfers, connections, water stations, reservoirs and pipes, at or near their respective inclined planes and schutes, as may be considered necessary for the full, effectual, working and operation thereof; and also, to connect any such points with the common wagon roads nearest thereto: *Provided*, That before any land or private road or roads now belonging to the Lykens Valley coal company, be taken or occupied by this company for the purposes set forth in this section, the assent thereto, shall be first had in writing from the said Lykens Valley coal company.

Hold lands, &c.

Proviso.

SECTION 3. That whenever it shall be found that the "Lykens Valley railroad company" is unable, satisfactorily, to accommodate the trade of the Summit Branch railroad, and its officers or agents do not despatch the cars and freight therefrom and thereto, at fair and equal rates for tolls and motive power, in due order, as presented at either end of said Lykens Valley railroad, then the said "Summit Branch railroad company" shall be and they hereby are authorized to extend their railroads to the Wiconisco canal, with all the privileges and immunities, and subject to the restrictions and liabilities of their several acts of incorporation: *Provided*, That nothing herein contained shall be construed, so as to confer on said company any banking or mining privileges.

When said company authorized to extend their road.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 55.

AN ACT

For the relief of the Pennsylvania institution for the instruction of the blind.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of fifteen thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to the use of the managers of the Pennsylvania institution for the instruction of the blind.*

Appropriation of \$15,000 to the Pennsylvania institution for the instruction of the blind.

tion of the blind, for the purpose of enabling said managers to erect and furnish additional buildings, for the accommodation of a larger number of pupils.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 56.

A FURTHER SUPPLEMENT

To an act to incorporate the Dauphin and Susquehanna coal company, passed April fifth, one thousand eight hundred and twenty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That to enable the Dauphin and Susquehanna coal company to construct a railroad, to connect their own with other railroads in Dauphin and Lebanon counties, as heretofore authorized, and to complete their works with additional tracks, if necessary, and for their general business, the said company are hereby authorized to issue, not exceeding sixteen thousand shares, of fifty dollars each, of additional capital of the said company, and to dispose of the same in such manner and on such terms as they may deem proper; and the said company are hereby further authorized to employ such persons as superintendents and agents as they may deem proper; and so much of the act of the fifth day of April, one thousand eight hundred and twenty-six, hereby amended and supplied, as provides that the said company shall hold no lands except they are situated on Sharp mountain or on Stony creek, shall not apply to any real estate wherever situated, which they may deem necessary for wharves, depots or stations, for the accommodation of their business; but as hereby altered, amended and supplied, all the provisions now in force, of the said act of the fifth day of April, one thousand eight hundred and twenty-six, and of the several supplements thereto, shall continue in force for the period of twenty-five years from the passage of this act: *Provided,* That the said company shall pay to the treasurer of this commonwealth a bonus of one per centum upon any increase of capital which they may make under the provisions of this act, in annual instalments of five hundred dollars each, the first of which shall become payable on the first day of July, one thousand eight hundred and fifty, and the remaining instalments on the first day of July, of each succeeding year, until the whole amount of said bonus

Dauphin and
Susquehanna
coal company
authorized to is-
sue additional
stock, &c., to
complete their
road, &c.

Proviso.

shall be paid, which said bonus shall be exclusively applied to the redemption of the loans of this commonwealth.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 57.

A N A C T

Authorizing the trustees under the will of David Bacon, deceased, to sell certain real estate.

WHEREAS. David Bacon, being seized in fee of and in one undivided fifth part of a certain small triangular strip of ground, situate on the west side of Delaware Fourth street, between Tammany and Green streets, in the Northern Liberties, in the county of Philadelphia, bounded on the north-westward and south-eastward by ground late of the estate of Philip Stock, deceased, and eastward by the said Fourth street, did, on the third day of the ninth month, A. D., one thousand eight hundred and forty-six, make his last will and testament, proved on the eighteenth day of the same month, and registered at Philadelphia, wherein and whereby he devised three-sixth parts of all the rest and residue of his estate, real and personal, (including his share of the said triangular strip of ground,) unto his three sons, Joseph, Charles W. and Edmund P. Bacon, and the survivors of them, and the heirs and assigns of such survivor, in trust for his three daughters, Susan, wife of Joseph L. Hancock, Anna, since intermarried with Mitchell Watson, and Mary Bacon, as therein mentioned; and by his said will the said testator gave no power or authority to his said trustees, to sell or convey any part of the said trust estate, and it is the wish of all the persons interested in the said estate, that the said triangular lot of ground should be sold or otherwise disposed of; that the same is a small, narrow strip of ground, lying on the said street, in front of other ground of great value, in which the said parties have an interest and power to sell, but are prevented from doing so on account of their inability to sell the said small triangular strip, and that the same is unimproved, and a charge to the estate, and of little value except to give a front on the said street to the other property; therefore.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Joseph Bacon, Charles W. Bacon and Edmund P. Bacon, the trustees named in the said last will and testament of David Bacon, de-

Trustees under the will of David Bacon, deceased, authorized to sell certain real estate.

ceased, are hereby authorized and empowered to sell and convey, and to unite with the holders of the other undivided shares thereof, in the sale and conveyance of all the said three-sixths parts of the share and interest which was of the said David Bacon, of and in the aforesaid triangular strip of ground; to be disposed of either at public or private sale, to any person or persons whosoever, and to execute and deliver all deeds or other instruments that may be necessary and proper for carrying into effect the powers hereby granted, and so that the purchaser or purchasers thereof shall not be bound to see to the application of the money arising therefrom, nor be in any way liable in respect to the execution or non-execution of the said trust: *Provided however*, Before the said trustees shall execute any deed or deeds for the same, they shall give bond with such security as the orphans' court of Philadelphia county shall direct, conditioned for the proper investment of the money arising from such sale, and the application of the proceeds thereof for the uses and purposes mentioned in the said will.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 58.

AN ACT

To incorporate the Ladies' depository association of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Anne Ralston, Susan Brown, Marthatha R. Lewis, Harriet Colman, Eliza G. Drinker, Emily Pepper, Mary H. Perkins, Caroline Wood, Adelaide Montmellen, Theresa Clapier, Eliza H. West, Hetty L. Cooper, Matilda Volans, Rebecca Philips, Rachel Wetherall, Mariah Tilghman, Phebe Wier, Eliza Ralston and other persons belonging to or composing the society now called the Ladies' depository association, and their successors, who shall become members of this corporation, be and they are hereby created a body corporate in law, by the name, style and title of "The Ladies' depository association," and by that name shall have perpetual succession, have a common seal, make contracts, may sue and be sued, plead and be impleaded in any court of record, or in any other place whatever, and also take and hold any real or personal estate conveyed to them by gift, grant, bargain and sale, devise, bequest, or other alienation whatever, and sell and convey the same: *Provided*, That the clear yearly income or value of the lands,

Corporators.

Style.

Privileges.

tenements, and other real estate of the said corporation, shall not exceed the sum of three thousand dollars.

SECTION 2. The objects of this corporation shall be to promote the welfare of females in reduced circumstances, by furnishing a depository wherein articles of needle, and other handiwork may be safely deposited for sale, and where materials on which to labor are given out to indigent persons to be made into clothing and other articles. Object.

SECTION 3. The affairs of this corporation shall be under the direction of eighteen managers, to be annually elected, and who shall appoint from their number a first directress, a second directress, a treasurer and secretary, who with the others, shall constitute a board of managers. Managers.

Officers, who shall appoint all subordinate officers of the association, fill vacancies in their own body, appoint such officers as may be necessary for the election of managers, and to take such measures and adopt such rules and regulations as may be necessary for the good government of the corporation, and not repugnant to the constitution and laws of the United States, or of this commonwealth, as may in their opinion promote the objects of the association; five managers shall constitute a quorum, and until the first election shall be held in pursuance hereof, the officers of the present association, shall be the officers of this corporation; and no failure hereafter to hold an election for, or to elect any of said officers, shall be deemed a forfeiture of any of the corporate privileges hereby conferred, but the same shall continue unimpaired thereby; and on such failure or failures, the officers of the preceding year shall continue in office until their successors are duly elected. Vacancies, how filled.

SECTION 4. A meeting of the corporation shall be held once in each year, at such time and place as the board may by its by-laws appoint, for the election of managers, and for such other business as it may be necessary for the association to transact; no person shall have a vote in the election of managers, who has not been a member of the corporation at least three months before the time of the election at which she claims to vote. Annual meeting for election of managers, &c.

SECTION 5. The legislature may at any time alter, amend or repeal the privileges hereby granted: *Provided however,* That no injustice be done the corporators. Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 59.

AN ACT

To authorize the sale of a certain school house in the town of Hampton.

Certain school house in the town of Hampton, in the county of Adams, to be sold.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles Blish, Moses Philips and Samuel Hinard, the present trustees of Arnold's, Deardorff's and Cronister's donative, in Reading township, in the county of Adams, adjacent to the town of Hampton, in said township, or either of them, be and they are hereby authorized and empowered to sell at public or private sale, the school house erected and now standing on the lot of ground conveyed in the year of our Lord, one thousand eight hundred and eighteen, by John B. Arnold and Rachael, his wife, Daniel Deardorff and Catharine, his wife, and Caspar Cronister, to John Miley and James Chamberlain, and their successors, in trust for the purposes of erecting a church, burying ground and school house, for the use and accommodation of the inhabitants of said town of Hampton; and on receipt of the purchase money, or the same being properly secured, to allow and permit the purchaser or purchasers thereof, to pull down or otherwise remove the said building and the materials thereof; and the said Charles Blish, Moses Philips and Samuel Hinard shall all, or any or either of them, apply the price thereof so received by them to the repairing of the fence around the said lot, and keeping the same in proper and sufficient repair, the overplus of said moneys, if any, to be held by them subject to the uses and trusts recited in the original deed for said lot.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 60.

A N A C T

To change the time of holding the courts in the counties of Somerset and Bedford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the twentieth day of February, eighteen hundred and fifty, the several courts for the county of Somerset, shall commence and be held on the fourth Monday in April, the fourth Monday in August, the second Monday in November and the first Monday in February, to continue one week, if necessary; in the county of Bedford, on the Mondays next succeeding the days hereinbefore fixed for the commencement of the courts in the county of Somerset, to continue for two weeks if necessary; and the writs of venire, and all other writs, rules, process or precepts whatsoever, which have already or may hereafter be issued in the counties aforesaid, shall be returnable agreeably to the times appointed by this act for the holding of said courts.

Time of holding
courts in the
counties of Som-
erset and Bed-
ford.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 61.

A N A C T

To incorporate the Philadelphia steam-tug and navigation company.

WHEREAS, It is manifest that the commerce of the city of Philadelphia, as well as the interests of the State, would be greatly benefitted by increased facilities for the ingress and egress by the aid of steam power, of the vessels arriving and departing, and generally in increasing the despatch to all or any other vessel or craft, trading to or from Philadelphia:

Preamble.

And whereas, The want of powerful and efficient steam-tugs to afford assistance to vessels stranded on the neighboring coast, has recently caused large losses of vessels and property:

And whereas, For the proper construction of such steam vessels, larger amounts of money are requisite than individual citizens are able or willing to invest ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Cope, George W. Aspinwall, Arthur G. Coffin, Richard S. Smith and William Martin, and their associates, are hereby incorporated into a body politic and corporate, in deed and in law, by the name of "The Philadelphia steam-tug and navigation company," and as such shall have full power and authority to procure, purchase, construct and equip one or more steam-tugs, of such burthen, power, construction and movement, with such other appurtenances and equipment as may be deemed adequate and proper for the objects and purposes of this association ; and the same to employ in the towing of ships, vessels and other craft to and from the port of Philadelphia, the Atlantic ocean and the intermediate points on the inland waters, or other points and places on the seaboard of neighboring states ; as well also, as aiding, securing and bringing into safety vessels stranded, or otherwise in distress or disabled, with liberty to carry in said steamboat or boats, goods, wares, merchandize and passengers to and from, and between any of the said ports, points and places, and generally to do, transact, execute and perform all matters and things appurtenant or relating to the several objects connected therewith : *Provided*, That nothing contained in this act shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the said steam tow-boat company : *And provided further*, That said company shall not have power to carry passengers or freight in their steam vessels to and from the port of Philadelphia, and any point or place on the Delaware river or bay, or any of its tributaries, excepting in cases which may be necessary to do so for the personal security of passengers, and the protection of freight in danger of sustaining loss or damage by stranding.

SECTION 2. The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each ; and the persons named in the first section of this act, shall, after ten days' public notice in one or more newspapers published in the city of Philadelphia, receive such subscriptions as may be made to the said capital stock.

SECTION 3. That the letters patent declaring said corporators to be a body politic in law, shall issue whenever six hundred shares of said stock shall be subscribed, and ten dollars on each share paid in ; and that the affairs of the said company shall be conducted by a board of directors, and ten days' notice shall be given for the calling in of any instalments on said capital stock.

SECTION 4. That the stockholders shall meet on the first Monday in March, in every year, at the office of the company, and being so met, shall choose by a majority of votes, each share being entitled to one vote, a president, treasurer and four directors, to manage the affairs of the said company, who shall continue in office for one year, and until like officers shall be elected ; they shall have full power and authority to appoint officers and to make all necessary by-laws for the management of the said company's affairs, and generally to do and perform any other corporate act.

Corporators.

Name.

Privileges.

Proviso.

Capital stock.

Letters patent.

Annual meeting
of stockholders.

SECTION 5. The legislature hereby reserves the right to alter, amend or repeal this act, and to resume the franchises herein granted at any Reservation. time: *Provided*, That no injustice shall be done to the corporators.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, Anno Domini, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 62.

AN ACT

To provide for the expenses of the commissioners to determine and fix the boundary lines of the states of Pennsylvania, Maryland and Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the accounting officers of the commonwealth are hereby authorized and directed to adjust and settle the account for one-third part of the necessary incidental expenses incurred by the commissioners, in carrying out the provisions of the fourteenth section of the act relative to courts of justice, passed the tenth day of April, one thousand eight hundred and forty-nine, such one-third part being the portion of such expenses which the state of Pennsylvania is in equity bound to pay; and the auditor general is hereby directed, upon the settlement and adjustment of said account, to draw his warrant upon the state treasurer, for the amount found due thereby, in favor of the party or parties entitled to receive the same.

Pay of commissioners to adjust boundary lines between Pennsylvania, Maryland and Delaware.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 63.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Kensington steamboat and navigation company," approved the seventh day of April, one thousand eight hundred and forty-nine.

Charter of the
Kensington
steamboat naviga-
tion company,
amended.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the charter of the Kensington steamboat navigation company, incorporated by an act passed the eleventh day of April, one thousand eight hundred and forty-nine, as prohibits the said company from engaging in the conveyance of passengers, or the transportation of merchandize to and from Philadelphia, and any other point or points on the Delaware river, or bay, be and the same is hereby so amended as to permit said company hereafter to engage in the conveyance of passengers, or the transportation of merchandize to and from Philadelphia, and any point on the Delaware bay at or beyond the break-water: *Provided,* That nothing contained herein shall be construed to authorize or permit said company to carry passengers or merchandize to and from Philadelphia, and any intermediate point or place on the Delaware river or bay, northward of the break-water; and any provisions in said charter inconsistent herewith is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 64.

AN ACT

To incorporate the Morrisville cemetery association.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assen'ly met, and it is hereby enacted by the authority of the same,* That Daniel Moon, William Taylor, Isaac Parsons, junior, Evan L. Moon, Henry S. Morris, Andrew Crozer, Hutchinson Moon, David W.

Kelly, Lewis R. Appleton, George Bailey, George Justice, Joel Wright and John H. Lovett, and their associates, and all and every the persons who are or may hereafter become members of the association, styled the "Morrisville cemetery association," and their successors, shall be and they are hereby created and declared a body corporate by the name and style of the "Morrisville cemetery association," and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of property, to sue and be sued, plead and be impleaded in any court of law or elsewhere; to ordain, pass and put in execution all such by-laws, rules and regulations, not contrary to the constitution and laws of the United States, or of this commonwealth, or to this act, as shall be necessary and convenient for carrying into effect the object of this association, and generally to do all and singular the matters and things which shall lawfully appertain to them to do for the improvement and ornament of the grounds, and due management and regulation of the affairs of said cemetery.

SECTION 2. The object for which this corporation is created, is to establish a cemetery or burial place for deceased human bodies, in a lot of ground situated near Morrisville, in Bucks county, on the westerly side of the Penn's Manor road, containing between one and two acres more or less, which has been purchased and surveyed for the above named cemetery; and the lots in said cemetery owned by purchasers shall be a qualified inheritance; that is to say, to descend as other real estate to heirs.

SECTION 3. The affairs of said company shall be conducted by a board of five managers, to be elected from among and by the lot-holders, in such manner and at such times as the by-laws made in pursuance of this act shall specify; and until an election shall be held the persons named in the first section of this act shall act as managers; and furthermore, the managers have power to lay out, arrange and sell burial lots, and that no other than white persons can become members of this association, or be interred in said cemetery; and furthermore, at any time if a surplus fund shall accrue from the proceeds of the sale of burial lots, it shall be put out at interest until it amounts to five hundred dollars, which sum shall be a perpetual fund to be put out at lawful interest, on bond and mortgage by the managers; and the said interest shall be laid out as far as necessary in the repairs and ornament of said cemetery; that is to say, the interest aforesaid is to be expended on the first purchase of one acre and a fraction of an acre.

SECTION 4. That the grounds of said cemetery which shall at no time exceed twelve acres, shall be exempt from taxation, except for state purposes; and the lots in said cemetery shall not be subject to attachment or execution: *Provided*, That the said exemption from attachment or execution shall not extend to more than four lots of the size laid out and held by any one individual.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 65.

AN ACT

To incorporate the Medico-Chirurgical college of Philadelphia.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That James Bryan, Charles M. Griffith, John Dawson, H. S. Porter, Henry Y. Smith, William Gardener, A. H. Tood, William Bryan, R. Foster, Thomas Dunn English, Benjamin Malone, James M'Clintock, William J. Birkey, junior, Levi Curtis, Zebedee R. Jones, John T. Nicholas, William P. White, Allen Ward, D. D. Clark, Robert Bell, T. E. Waller, L. H. Beatty, Josiah Curtis, Horace Green, Jonathan Hallowell, M. Mattson, W. G. Smith, Henry B. Tappan, S. E. M'Kinley, W. H. Nayland, Jesse Orem, Thomas J. Turpin, Joseph Parrish, A. Fricke, Josiah Carr, Isaiah D. Clawson, B. H. Porter, John D. White, Ebenezer Porter, Marcus O. Porter, Charles A. Lee, A. L. Cox, B. F. Hall, G. P. Oliver, Archibald Welch, William R. White, Henry L. Vanmeter, Amos Sharp, Charles Bent, John M. Pugh, Thomas S. Savin, Quinton Gibbon, Anthony Heger, A. Merritt Asay, G. W. Field, H. Ford, James W. Haynie, F. P. Poley, Philip M. Bush, George M. Dox, Thomas Graitan, Abraham Levering, William D. Walton, C. B. Foster, George S. Hamill, Lewis H. Gebhard, W. R. Blakeslee, Thomas P. Matthews, William Marshall, Henry S. Porter, Washington J. Duffee, C. F. Gebler, Benjamin J. B. Davis, E. L. Carter, L. P. Gebhard, R. S. Holmes, William H. Thomas, Jesse W. Griffith, Cyrus Beede Bean, Henry Geiger, Robert Nebbinger, C. J. Gray, Clinton J. Stees, C. P. Langworthy, William Kerr, J. Klinefelter, J. F. Berg, Andrew Cheesman, John J. Chetwood, H. F. Peery, John Chapin, Lee Buffington and Thomas Brinckle, doctors of medicine, now associated together under the name, style and title of "The Medico-Chirurgical college of Philadelphia," be hereby themselves and successors, created a body politic and corporate, in deed and in law, by the name, style and title aforesaid; and by the same name they shall have perpetual succession, and all and singular the privileges, immunities and franchises incident to a corporation; and shall be capable of taking and holding, to them and their successors, in fee simple or for any lesser estate, as much lands, tenements and hereditaments, and other real and personal estate and property, as shall be needful and necessary to effect all and singular the objects, intents and purposes of their institution and association; which said objects, intents and purposes are now defined in their printed constitution, in the words following, to wit: 'The dissemination of medical knowledge, the defence of the rights and the preservation of the repute and dignity of the medical profession, and of suing and being sued, and of doing and performing all and every other act or acts, thing or things, which a body politic or corporate may or can lawfully do or perform, connected with the objects of this corporation.

SECTION 2. That the said corporation shall have power to grant diplomas of fellowship, honorary membership, senior membership and junior membership, but this grant shall not be construed into the grant

Corporators.

Style.

Privileges.

Power to grant diplomas, &c.

of any power to confer the degree of bachelor of medicine or doctor of medicine; and that the said corporation shall have the full power to enact and enforce such constitution and by-laws as they shall deem proper for its government, and for the better carrying out and effecting the objects, intents and purposes hereinbefore recited, and to make, use and have a common seal, and the same to break, alter and renew at pleasure; and shall have power to elect such officers, and at such times as they may deem proper: *Provided*, That the constitution, by-laws, ordinances, and all acts of said corporation, shall not be contrary to this charter, nor to the constitution or laws of the United States, or of this commonwealth. By-laws.
Seal.
Proviso.

SECTION 3. That no enumeration of powers, privileges and duties herein contained, shall be so construed as to exclude others not enumerated, which are necessary to the fulfilment of the designs and purposes of this act, and not inconsistent with its express provisions and limitations. Other privileges.

SECTION 4. The legislature hereby reserves the power to alter, revoke or annul the charter of the said college, whenever, in their opinion, it may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators. Reservation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 66.

AN ACT

To incorporate the New Brighton female seminary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* 'That there shall be and is hereby established in the borough of New Brighton, Beaver county, a seminary or public school for the education of young ladies, by the name, style and title of "The New Brighton female seminary," under the care and direction of seven trustees, who, and their successors in office, shall be and are hereby declared to be one body politic and corporate in deed and in law; and by the aforesaid name, style and title shall have perpetual succession, and shall be capable in law to sue and be sued, to have a common seal, and the same to alter and renew at pleasure; and shall be capable to take, hold and purchase for the use of said seminary, lands, goods, chattels, moneys, of any kind whatsoever, by gift, grant, conveyance, devise or bequest from any person or persons whomsoever capable of making the same; Incorporate.
Style.
Privileges.

and the same from time to time to sell, convey, mortgage or dispose of, for the use of said seminary, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which it may be lawful for them to do for the well being of the seminary, and the due management and ordering the affairs thereof: *Provided*, That the estate, real and personal, of said seminary, shall not at any time exceed the sum of fifteen thousand dollars.

Trustees.

SECTION 2. That until trustees for said seminary shall be elected by the stockholders in manner hereinafter provided, Benjamin Rush Bradford, Robert Townsend, Benjamin Wilde, B. B. Chamberlin, James Wilson, Charles Hoops and John Miner shall be and hereby are authorized to serve as trustees of said seminary.

Annual election of trustees.

SECTION 3. That an election of trustees shall be held in the principal building of said seminary, on the first Monday in May of each year, at five o'clock, P. M., and continue until six o'clock, P. M.; the said election shall be conducted by two managers to be appointed by the trustees then acting as such; the said election shall be by ballot, and every share of stock shall entitle the holder to one vote: *Provided however*, That no person shall be entitled to more than five votes.

Proviso.

Power to fill vacancies, &c.

SECTION 4. The board of trustees shall have power to fill vacancies, to elect a president, treasurer and secretary, who shall be members of the board; they shall have power to enact such by-laws as may be necessary, not inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; a majority of said trustees shall constitute a quorum for the transaction of business; the said trustees to receive subscriptions in sums of not less than twenty-five dollars, and to issue certificates of stock under the seal of the corporation, each certificate to represent the sum of twenty-five dollars of said subscription; the money so received to be expended in the purchase of real estate, the erection of buildings, the purchase of books, philosophical apparatus, and other property necessary for the use of said seminary; and the said trustees may lease or hire, (if they deem it expedient,) the real and personal estate of said corporation to a competent teacher or teachers, and receive and collect rent and compensation for the use of such real and personal estate, and the same to divide ratably among the stockholders, after first deducting all necessary charges and expenses for repairs, taxes and the due management of the affairs of the said seminary.

Repeal of enrolment taxes in certain cases.

SECTION 5. That the act of the sixteenth of April, one thousand eight hundred and forty-five, entitled "An Act to increase the revenues and diminish the legislative expenses of the commonwealth," shall not be so construed as to authorize an enrolment tax on any law incorporating a college or seminary of learning.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 67.

AN ACT

To refund to Charles Macalester an over-payment made by him into the state treasury.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized and required to refund to Charles Macalester, one hundred and twenty-five dollars and fourteen cents, being an over-payment made by him to the register of wills in Philadelphia county, in paying the collateral inheritance tax on a certain amount of Pennsylvania five per cent. stock, in the name of Adam Black, deceased.

State treasurer authorized to refund to Charles Macalester certain moneys.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 68.

AN ACT

To abolish special courts in Fayette county, and to transfer the causes therein depending into the court of common pleas.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first section of an act, entitled "An Act to authorize the president judge of the district court of Allegheny county, to hold special courts in Fayette county in certain cases, and for other purposes," passed sixteenth April, eighteen hundred and thirty-eight, be and the same is hereby repealed; and that all the causes which have heretofore been transferred into said special court, and have not yet been finally adjudicated, be and the same are hereby re-transferred into the court of common pleas of said county; and all causes which have been, or may hereafter be removed from said special court into the supreme court, wherein a venire facias de novo has been or may hereafter be awarded by the

Repeal of 1st section of certain act relating to time of holding courts in Fayette county.

Causes are transferred to the court of common pleas, &c.

supreme court, shall return to the court of common pleas of said county and be tried therein.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 69.

A N A C T

Regulating election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That beginning at a post on the Clarion county line, one and one-half miles south of the north-west corner of North Porter township; thence east to Perry township line; thence north three and one-half miles to a post; thence west to the Clarion county line; thence south to the place of beginning; all within the boundary described, be and the same is hereby erected a new election and school district, to be called Beaver; and that John M'Amrich, John Heath and Robert R. Means are hereby appointed commissioners to run and mark the lines of said election district, the expenses of which shall be paid out of the treasury of Jefferson county.

Boundaries.

Beaver election district erected.

Place of holding elections.

SECTION 2: The qualified electors of Beaver election district shall hold their township and general elections at the house of D. D. Wonderleih, in Heathville, said district, and that the time of holding the township elections shall be the first Monday in February, in each year; and that D. D. Wonderleih act as judge. John H. Hilderbrand and Charles Jacox as inspectors, to hold the township elections for one thousand eight hundred and fifty, which shall be holden on the first Monday in June.

North end of of Porter township, in Jefferson county, to be called Ringgold.

SECTION 3. The north end of Porter township, as divided by the courts of Jefferson county, be and the same is hereby called Ringgold; and the qualified electors thereof shall hold their general and township elections at the house of Philip Shannon, in said township, and that John M'Amrich act as judge, and John M'Ilheiny and John C. Tuguson as inspectors, to hold the township elections for one thousand eight hundred and fifty, which shall be holden on the fourth Monday in April next; and that the township elections shall be holden on the fourth Monday in February, in each year thereafter.

Repeal.

SECTION 4. All acts inconsistent with the third section of this act are hereby repealed.

SECTION 5. That hereafter, the qualified voters of the township of Lemon township, Lemon, in the county of Wyoming, shall hold their general and township elections at the school house near Gates Ely's, in said township. Wyoming county, place of holding elections in.

SECTION 6. That the qualified voters of that part of North Manheim township, in the county of Schuylkill, who, prior to the last general election, held their elections at the Mount Carbon house, shall hereafter hold their general elections at the house of George Grim, in said township. North Manheim township, Schuylkill county.

SECTION 7. That the qualified voters of the borough of Schuylkill Haven, in the county of Schuylkill, shall hereafter hold their borough and general elections at the brick school house, number one, in said borough. Schuylkill Haven borough.

SECTION 8. That the qualified voters of Eldred township, in the county of Schuylkill, shall hereafter hold their general elections at the house of John Wetzel, in said township. Eldred township, Schuylkill county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 70.

A N A C T

To establish the act of incorporation of the Wyoming seminary of the Oneida annual conference of the Methodist Episcopal church.

WHEREAS, By a decree of the court of common pleas of Luzerne county, made on the twenty-eighth day of January, Anno Domini, one thousand eight hundred and forty-five, an act of incorporation was granted to an association by the name, style and title of "The Wyoming seminary of the Oneida annual conference of the Methodist Episcopal church," for the education of youth under the provisions of the several acts of assembly, in such case made and provided: Preamble.

And whereas, It is therein provided that the Oneida annual conference of the church aforesaid shall appoint trustees for said association, and may exert other powers and exercise other acts and privileges in the government, and as members of said incorporation:

And whereas, Doubts have arisen as to the authority and power of the said court to decree an act of incorporation vesting and granting such powers and privileges in and to the Oneida annual conference aforesaid; therefore,

Act of incorporation of the Wyoming seminary made valid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* said act and decree of incorporation of the Wyoming seminary of the Oneida annual conference of the Methodist Episcopal church, be hereby established and made valid for all purposes and objects therein set forth, in law and in fact, with the same validity and effect as if said act and decree of incorporation had been thus made and established by an act of this general assembly.

SECTION 2. That the said act of incorporation shall be held and construed to mean that the board of trustees shall consist of twelve members, nine of the number to be elective trustees, and three of the number to be members ex-officio, as fully provided in the second article of said association.

Certain acts, &c., declared to be legal, &c.

SECTION 3. That all acts and powers heretofore performed and exercised, under and by virtue of the act and decree of incorporation aforesaid, shall be and the same are hereby declared to be legally binding upon such corporation, and valid; any defect in the said act and decree of incorporation to the contrary notwithstanding.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 71.

AN ACT

Authorizing the council of the borough of Monongahela City, Washington county, to open a street in said borough.

Mulberry alley in Monongahela City to be changed into a street, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the council of the borough of Monongahela City, Washington county, be and the same are hereby authorized to make a street out of Mulberry alley, twenty-five feet wide, running from Union street to Fording street, in the plan of said borough; and should any damages be done to private property by the opening of said street, the court of the county shall, on application from the proper person or persons, appoint three disinterested persons, who shall view and assess said damages, and

make report of the same ; and the damages assessed shall, on the order of the council, be paid out of the treasury of said borough.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 72.

AN ACT

Relating to commissions of justices of the peace in the county of Bradford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the governor of the commonwealth of Pennsylvania, to issue commissions to the justices of the peace in the county of Bradford, elected on the third Friday of January last, and their successors in office, on the day on which the commissions of their respective predecessors shall expire, notwithstanding the same shall be more than twenty-five days after such election.

Commissions of
justices of the
peace, in Brad-
ford county, rela-
tive to.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 73.

AN ACT

To erect Montoursville, in Lycoming county, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Montoursville, in the county of Lycoming, shall be set apart and be separate from the township of Fairfield, in said county, and the same shall be and is hereby erected into a borough, which shall be called "The borough of Montoursville," bounded and limited as follows, to wit: beginning at a post a corner of land of Charles Lloyd and the free school lot; thence south seventy-three (73) degrees east one hundred and sixty perches (160) to a post; thence south seventeen (17) degrees west eighty perches and eight-tenths of a perch (80.8) to a post; thence north seventy-three (73) degrees west one hundred and sixty-eight (168) perches to a post; thence north thirteen (13) degrees east forty perches and eight-tenths of a perch (40.8) to the great road leading from Williamsport to Muncy; thence along the west line of land of Nathaniel Burrows, north twenty-eight and one-half ($28\frac{1}{2}$) degrees east forty perches and eight-tenths of a perch (40.8) to the place of beginning.

Style.

Boundaries.

Provisions of a certain act extended to said borough.

SECTION 2. The provisions of the act of the general assembly, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs," are hereby extended to the borough of Montoursville, except so far as the same may be inconsistent with the provisions of this act.

High constable, powers of.

To give bond.

SECTION 3. The high constable of the said borough shall have the power and authority vested by the laws of this commonwealth, in the constables of the different townships in the said county, and shall give bond for the just and faithful discharge of the duties of his office, in the manner required of the constables of the different townships in the said county.

Election of school directors.

SECTION 4. At the first election held in the said borough for borough officers, there shall be elected six school directors, two to serve for one year, two to serve for two years and two to serve for three years, and thereafter two school directors, annually; and the said school directors shall perform the same duties and possess the like powers in all respects as school directors elected agreeably to the general laws of this commonwealth.

School directors, duties of.

SECTION 5. The school directors first elected under the provisions of this act, shall immediately after their election, cause to be made an enumeration of the resident taxable inhabitants in said borough, and the president of the board of directors shall certify the same to the superintendent of common schools, who is hereby directed to adopt the number of taxables thus certified to him, as the basis of the distribution to said borough of its share of the state appropriation; and the amount to which the said borough is entitled shall be deducted from the amount to which Fairfield school district, in the said county, would otherwise be entitled, until after the next triennial enumeration of taxables for school purposes.

SECTION 6. At the first election held in the said borough for borough officers, and thereafter, annually, there shall be elected an assessor and a judge and two inspectors, to conduct the general and borough elections in said borough, and at such times as are directed by the existing laws of this commonwealth, an assistant assessor and two justices of the peace. Election of officers of elections, &c.

SECTION 7. The qualifications of voters in the election of burgess and town council, shall be those required by the act of general assembly, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for incorporation of boroughs;" and the qualifications of voters in the election of all other officers provided for by this law, shall be the same as are required in the election of similar officers in the different townships in said county. Burgess and town council.

SECTION 8. The said borough shall form a separate election district, and the qualified voters therein shall hereafter hold their general and borough elections at the public school house, in said borough. Separate election district.

SECTION 9. The borough elections in said borough shall be held on the third Friday in February of every year, between the hours of nine o'clock, A. M., and six o'clock, P. M., of said day. Annual elections.

SECTION 10. Any indebtedness by Fairfield township for the making and repairing of roads or bridges, and for the support of paupers, and by Fairfield school district, shall be paid ratably by the proper authorities of the said township and district, and the borough of Montoursville, and any money due or owing to the said township or district, shall be divided ratably between the said township and district, and the borough of Montoursville. Any indebtedness of Fairfield township to said borough, to be paid, &c.

SECTION 11. It shall be lawful for the town council of said borough, to assess and collect a tax on all single freemen and inmates resident in said borough, to be rated according to the provisions of the act to raise and collect county rates and levies; and the said town council shall further have the power and authority to assess and collect, on each and every dog owned in said borough, a tax in amount not exceeding one dollar, and on every bitch, a tax in amount not exceeding three dollars, as they may deem expedient and proper for the use of said corporation. Assessment and collection of taxes.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 74.

AN ACT

To authorize David Meconkey, trustee of Susanna Lungren, to sell certain real estate.

David Meconkey,
trustee of Susan-
na Lungren, au-
thorized to sell
certain real es-
tate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That David Mecónkey, trustee of Susanna Lungren, of the borough of West Chester, in the county of Chester, and state of Pennsylvania, be and he is hereby authorized and empowered to sell at public or private sale, in fee simple, all the right and title vested in the said David Meconkey, trustee as aforesaid, and all the right, title and interest of his cestui que trust, in and to a certain parcel and lot of land, with a brick tenement thereon, situate on Church street, between Miner and Bernard streets, in said borough of West Chester, bounded and described as follows : Beginning at a post in the edge of said Church street and the northern corner of a fourteen feet wide alley, running from Church street westwardly to Darlington street ; (the said alley being about midway between Miner and Bernard streets in said borough ;) thence along the northern side of said alley westwardly one hundred and thirty-six feet six inches to a post, at a point where another fourteen feet alley, running from Miner street to Bernard street, crosses the first mentioned alley ; thence northwardly along the said last mentioned alley fifty-nine feet and two and one-half inches, to a post—a corner of land late of Ferdinand E. Hayes, esquire ; (now belonging to William Butler, esquire ;) thence by a lot of the said William Butler, esquire, eastward one hundred and thirty-six and one-half feet, to the northern corner of said brick tenement, now erected on Church street, on the premises herein described ; thence along the said Church street southward sixty-eight feet to the place of beginning, containing thirty-two square perches of land, more or less, (being the same which Mary Ferris, by indenture bearing date the first day of April, Anno Domini, one thousand eight hundred and thirty-seven, and recorded in the recorder's office of the said county of Chester, in deed-book 04, volume 86, page 210, granted and conveyed to Christiana Hemphill, Mary Hemphill and Elizabeth Hemphill, of the said borough of West Chester, and to Joseph Hemphill, of the city of Philadelphia, and Thomas Hemphill, of the county of Delaware, then trustees of the said Susanna Lungren,) and to convey the same, in fee simple, to the purchaser or purchasers thereof, in whom the title shall be fully vested, and by whom the same shall be taken, discharged from all trusts, and without liability as to the application of the purchase money : *Provided,* That before any deed shall be made to the purchaser or purchasers thereof, the said sale shall have been approved by the court of common pleas of said county, and the trustee shall have given bond with sufficient security, to be approved

Proviso.

by the said court, conditioned for the faithful application of the proceeds of said sale.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 75.

A N A C T

In relation to the estate of John Bell, deceased, late of the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Julia Ann Bell, administratrix of the estate of John Bell, deceased, late of the city of Philadelphia, be and she is hereby authorized to convey to the purchaser of that property situate in the district of Southwark, in the county of Philadelphia, containing about three acres of ground, with the buildings thereon erected, known as the Yellow cottage, free of the widow's dower: *Provided nevertheless, That* on or before such conveyance shall be consummated, Julia Ann Bell, the administratrix, shall give ample security, satisfactory to the judges of the orphans' court of the city and county of Philadelphia, that the net one-third part of the purchase money shall be invested in mortgages, Pennsylvania state loans, or other securities, which shall be approved by the said orphans' court; the same to remain and to be applied in the same manner, according to law, as it would had it remained on the above described property: *And provided further, That* the said orphans' court shall be satisfied before such conveyance be made, that the said sale is advantageous to the interests of the said estate of John Bell, and the parties claiming shares therein.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 76.

A N A C T

To confer on Charles Fell, of Lancaster county, the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles Fell, son of Rachel Fell, of Little Britain township, Lancaster county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and shall be able and capable in law, to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 77.

A N A C T

To incorporate the Glenwood cemetery company.

Preamble.

WHEREAS, Certain citizens of this commonwealth hereinafter named, have associated together for the purpose of establishing a cemetery or burial place, for deceased human bodies, beyond the thickly settled portions of the county of Philadelphia, and for that purpose have purchased a certain tract or piece of land, situate on the Ridge road and Islington lane, in Penn township, in the said county of Philadelphia, and appropriately laid out the same in avenues and plots, and to a certain extent embellished the same; therefore,

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joseph D. Stewart, John W. Trump, Joseph S. Langer, Horn R. Kneass, Thomas Sandland, William D. Baker, Charles R. Bicking, Francis Knox Morton, William A. Witte, Henry A. Stevens, Aaron Waters, William Curtis, Henry T. Grout, Henry S. Patterson, Alexander Whiteside, John G. Michenor, George W. Gorton, Peter Wei-

kel, James D. Whetham, William L. Ward and Henry Simons, junior, and their successors, and all persons who now are or who may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style and title of the "Glenwood cemetery company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all the courts of law or equity within this commonwealth and elsewhere; and also be able to take and hold to them and their successors, either by gift, grant, devise or lease, any real estate for the use of the said company, and by gift, grant, bargain and sale, will or bequest, any goods and chattels, sum and sums of money from any person or persons whatsoever, for the use of the said company; to make by-laws, rules and regulations not inconsistent with the constitution and laws of the United States, or of this commonwealth; and generally to do and perform all and singular such matters and things as may be necessary and proper for them to do and perform for the well being and due management of the affairs of the said company, and for the improvement and ornamenting of its grounds.

SECTION 2. The government of the said company and the management and disposition of its affairs and property, shall be vested in a board of directors, who shall be elected annually, at such time and in such manner, and by such persons as the said company shall by its by-laws provide; at the first meeting of the directors after their election in each year, they shall elect from their own number a president, a vice president, a secretary and treasurer, and also shall elect such other officers as the business of the company may require.

SECTION 3. That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew, and also to exercise all the rights, privileges and immunities necessary for the purposes of the corporation constituted.

SECTION 4. That every lot in the said Glenwood cemetery shall be held by the proprietor thereof for the purpose of sepulture alone, transferable with the consent of the board of directors of the said company; and the grounds of said cemetery, which shall at no time exceed twenty-three acres, and the lots in the said cemetery, shall not be liable to attachment or execution: *Provided*, That the said exemption from attachment or execution shall not extend to more than four lots held by any one individual.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 78.

A N A C T

For the relief of Sabina Lynn, of Chester county.

WHEREAS, By a late fatal and distressing accident which happened on the Columbia railroad, by which John Lynn, who was in the employ of the commonwealth, was instantaneously killed, leaving a now helpless family who depended on his industry for support; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be authorized and required to pay out of any moneys in the treasury not otherwise appropriated, the sum of two hundred dollars to the widow of the said John Lynn, or her legal representative.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 79.

A N A C T

To change the name of David Gemmill Bordley to that of James Bordley Gemmill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, David Gemmill Bordley, now in the city of Philadelphia, shall be called and known by the name of James Bordley Gemmill, and by that name shall be capable of suing and being sued, and of taking any real or personal estate by descent, devise or purchase, and of granting or devising the same in the same manner as if he had been always known by the name of James Bordley Gemmill.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 80.

AN ACT

To incorporate a company to construct a turnpike or plank road, or a road partly turnpike and partly plank, from Greensburg, in Westmoreland county, to Harvey's Five Points, on the Pittsburg and New Alexandria turnpike road, in said county; and in relation to the Bridgeport school district, erected out of parts of Westmoreland and Fayette counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That doctor John Morrison, H. Y. Brady, James M'Farland, John Armstrong, of Salem township, colonel D. K. Marchand, William M'Cutcheon, Samuel Kuhns, James C. Clarke, John Armstrong, junior, John Hugus, John M'Clelland, John Kuhns, Daniel Welty, of Han-nastown, and Michael Sarver, of Westmoreland county, are hereby appointed commissioners to open books and receive subscriptions, and organize a company, by the name, style and title of "The Greensburg and Harvey's Five Points turnpike or plank road company;" commencing at the borough of Greensburg, in Westmoreland county, and terminating at or near Harvey's Five Points, on the New Alexandria and Pittsburg turnpike road, in said county, with power to construct a turnpike or plank road, or a road partly plank and partly turnpike, by such route as may be agreed upon by the stockholders, or a majority of them, at a meeting called for that purpose, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, passed the seventh day of April, one thousand eight hundred and forty nine.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares, of twenty dollars per share: *Provided,* That the said company may from time to time, by a vote of the stockholders, had at a meeting called for that purpose, increase their capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act.

Capital stock.

Proviso.

SECTION 3. That if the said company shall not commence the construction of their road within three years from the passage of this act, and complete the same within seven years thereafter, this act shall be void and of none effect, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Commencement and completion of road.

SECTION 4. That Alexander Miller, Christian Tinsman and John Zundell be and they are hereby appointed to serve as school directors for the Bridgeport school district, formed out of parts of Westmoreland and Fayette counties, for the term of one year, commencing on the tenth day of March next; and the citizens of said district, are hereby authorized to hold their election for school directors in their public school house, on the first Saturday of March, in one thousand eight hundred and fifty-one, and in each succeeding year thereafter; the president of the board of directors, assisted by two citizens, shall open and hold said election, and in case of the absence of the president, the next

School directors of Bridgeport school district.

senior member of the board, and that the election be held between three and six o'clock in the afternoon.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 81.

AN ACT

To incorporate the Odd Fellows hall association of Monroe county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William S. Wintermute, Silas L. Drake, John H. Melick, Silas C. Shannon, Charles U. Warnick, John Eyleneberger, Theodore Schoch, Lewis Vanderbeck, Thomas W. Rhodes, Joseph J. Posten, James N. Durling, Henry M. Labar, Darias Dreher and James H. Walton, and their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Odd Fellows hall association of Monroe county;" and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be able and capable in law and in equity, to take and hold, to them and their successors, either by grant, gift, devise, lease or otherwise, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also, to take and hold for the use of the said association, any goods and chattles, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest or otherwise, from any person or persons whatsoever, capable of making the same; and the same, at their pleasure, to grant, bargain and sell for the use of said association, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of said association: *Provided*, That the real estate of which the said corporation shall be at any time possessed, shall not exceed the clear yearly value of two thousand dollars.

SECTION 2. That the object of the said corporation shall be to provide, erect and furnish a hall and suitable buildings, in the borough of Stroudsburg, and county of Monroe, for the accommodation of the members of Fort Penn Lodge of Odd Fellows, and other lodges that may be established in said borough, to hold their meetings in.

SECTION 3. That it shall and may be lawful for said corporation to have a common seal, and the same at will and pleasure to change, alter and renew as they shall think proper; and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed.

SECTION 4. That the government of the said Odd Fellows hall association, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such times and in such manner as the said association shall by its by-laws provide. The officers of the association shall be a president, secretary and treasurer, who shall be elected at the annual meetings, by the stockholders, except the secretary, who shall be elected by the board of trustees at the annual meetings. All the officers shall be trustees.

SECTION 5. The corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the constitution and laws of this commonwealth, or of the United States.

SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said Odd Fellows hall association of the borough of Stroudsburg, Monroe county, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such a manner, however, that no injustice shall be done to the corporators thereof.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 82.

AN ACT

To authorize Elizabeth Glading, and others, to convey certain real estate situate in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Elizabeth Glading and William Glading, as executors of the last will and testament of John Glading, late of the city of Philadelphia, now deceased, and in their own right respectively, C. Collins Champion and Christianne, his wife, Samuel Allen and Mary B. his wife, Charles B. Glading and Sarah Elizabeth Glading be and they hereby are authorized and empowered to sell and convey in fee simple, a certain lot, situate in said city of Philadelphia, and in said testator's will, devised as "the premises on the east side of Water street above Pine street,"

Executors of
John Glading,
deceased, author-
ized to sell cer-
tain real estate.

Proviso.

which said premises are more particularly known as number one hundred and fifty-one, (No. 151,) Water street : *Provided*, That the said grantors do reserve as the entire consideration of said sale and conveyance, an annual ground rent as a charge thereon, payable to the said Elizabeth Glading during her life time, and thereafter to the devisees of the said testator and their heirs, according to his last will; which said ground rent shall be subject to extinguishment or redemption within twelve months after her decease, by the payment of a certain sum of money to be mentioned and expressed in the deed for said premises; and which said sale and conveyance shall convey to the purchaser or purchasers of said premises, as good and valid an estate therein, as the said John Glading was seized of, or entitled to at the time of his death, both in law and in equity, (subject, nevertheless, to the ground rent hereinbefore mentioned, but wholly discharged from any remainders, vested or contingent, created by said will,) and on the extinguishment of the ground rent as hereinbefore provided, then the legal representatives of the said testator shall have power to receive the said certain sum of money, and apply the same pursuant to the directions in said last will and testament contained, and to release the said estate from the said ground rent; the payment of which said sum of money to the said representatives, and his or their conveyance as aforesaid, shall fully extinguish and release the said ground rent; and the said purchaser or purchasers are hereby forever exonerated and discharged from all liability or duty as to the application of the said extinguishment money, any law, usage or custom of this commonwealth to the contrary notwithstanding : *And provided further*, That before such sale shall be deemed and taken to be valid, it shall have been approved of by the orphans' court of the city and county of Philadelphia, and that the said William Glading shall have given bond, with sufficient security, to be approved of by said court, conditioned for the faithful application of the money arising from the redemption of the ground rent aforesaid.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 83.

AN ACT

Authorizing the governor to incorporate the Huntingdon and M'Aleavy's Fort plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That David Blair, Robert Cummins, Samuel Shoemaker, Alexander Stuart, John Oaks, Henry Lee, Samuel Stiffey, William B. Zigler, Alexander Post, James Maguire, Robert M'Burney, William B. Smith, William Cummins, Elisha Shoemaker, Robert Johnston, John Jackson, George Jackson, (of Jackson township.) George Couch, Hezekiah Crownover, John P. Stewart, Alexander Carmont, Thomas Fisher, James Saxton, George Gwin, Greenbury Dorsey, William Moore, James Gillan, John Creswell and J. Sewall Stewart, of Huntingdon county, be and they are hereby appointed commissioners to open books and receive subscriptions and organize a company, by the name, style and title of "The Huntingdon and M'Aleavy's Fort plank road company," with power to construct a plank road from the borough of Huntingdon to M'Aleavy's Fort, in Jackson township, Huntingdon county, by the nearest and best route or routes, as the stockholders may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto: *Provided however,* That the president and managers of said company may make, or cause to be made, any and such part or parts of said road, a turnpike instead of a plank road, as in their judgment they may deem expedient, subject to the regulations and restrictions of said acts regulating turnpike and plank road companies. Commissioners.
Style.
Location.
Subject to provisions of certain act.
Provido.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares, at twenty-five dollars per share: *Provided,* That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road or roads, and carry out the true intent and meaning of this act. Capital stock.
Provido.

SECTION 3. That if the said company shall not commence the construction of their road within three years after the granting of this charter, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 84.

AN ACT

Relative to supervisors in the township of North Butler, Butler county.

North Butler to
elect four super-
visors.

Hopewell town-
ship, York coun-
ty, to elect three
supervisors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall hereafter be lawful for the qualified voters of North Butler town-ship, in the county of Butler, annually, to elect four supervisors of roads for said township, at the time and place now fixed by law for the election of supervisors.

SECTION 2. The qualified voters of Hopewell township, York county, shall at their next spring election, and annually thereafter, elect three supervisors of public highways for said township.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 85.

AN ACT

Relative to election districts.

Part of Wilming-
ton township
erected into a
separate election
district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the portion of the former township of Wilmington, which lies north of the division line between the counties of Mercer and Lawrence, and which is now the township of Wilmington, in the county of Mercer, be and the same is hereby erected into a separate election district, and the qualified voters thereof shall hold their township and general elections at the house of Daniel Paup, in said township.

Officers of elec-
tion.

SECTION 2. That Daniel Paup is hereby appointed judge, and Kennedy M'Farland and William M. Cowden are hereby appointed inspectors, whose duty it shall be to open, hold and conduct, on the third Friday of March next, an election for the usual township officers, and

also, for two inspectors and one judge of elections ; and it shall also be the duty of the said Daniel Paup, to give notice of said election in the same manner, form and time as constables are directed by law to give of township elections ; and the election so held, shall be opened, conducted, and the returns thereof made, according to the provisions of the acts of assembly regulating township elections.

SECTION 3. That the eighteenth section of an act, entitled "An Act regulating election districts," passed the fifth day of April, one thousand eight hundred and forty-nine, be and the same is hereby repealed ; and that the qualified voters of that part of North Manheim township, Schuylkill county, who, prior to the fifth day of April, one thousand eight hundred and forty-nine, voted at the public house of Philip Boyer, in the borough of Schuylkill Haven, shall hereafter hold their general elections at the public house known as the Half-Way house, now occupied by Susannah Mayer, in said township.

North Manheim township, place of holding elections in.

SECTION 4. That the township of Springfield, in the county of Fayette, shall constitute a separate election district, and the citizens thereof shall hold their township and general elections at the school house in the town of Springfield, in said township ; and that David Keasler is hereby appointed judge, and William Cummings and P. A. Sherbondy inspectors of the township election in said township, in March eighteen hundred and fifty.

Springfield township, Fayette county, erected into a separate election district.

SECTION 5. That hereafter, the qualified voters of Crawford township, in Clinton county, shall hold their general and township elections at the house of Rudolph Miller, in said township.

Crawford township, Clinton county, place of holding elections in, changed.

SECTION 6. That the qualified voters of the township of Moreland, in the county of Lycoming, shall hereafter hold their general and township elections at the house now owned by Thomas Smith, and occupied by William Holdren, in the township of Moreland, in said county.

Moreland township, Lycoming county.

SECTION 7. That the township of Springfield, in Bucks county, shall be divided into four road districts, as follows, to wit : That part of said township lying west of the road leading from Leithville to Quakertown, to compose the western district ; that part between the western district and the Bethlehem road, to compose the middle district ; that part north of the road leading from Bethlehem road to the Durham road, by way of Kressman's mill and Bursontown, to compose the northern district ; and that part south of the northern district, to compose the southern district ; and that hereafter it shall be lawful for the qualified voters of said township, to elect annually, at their usual places and time of electing township officers, four qualified citizens for supervisors of public roads, one of whom shall be a resident of each of the aforesaid districts, to make and repair the public roads in the districts in which they shall severally reside ; and who shall, in all other respects, be subject to the same rules and regulations by which supervisors are now by law regulated.

Springfield township, Bucks county, divided into four road districts.

SECTION 8. That the borough of Uniontown, Fayette county, be and the same is hereby divided into two wards, commencing at the north end of Bank alley ; thence running southward along the middle of said alley, to the middle of Redstone street ; thence following the middle of said street, to the southern boundary of said borough ; that portion of said borough east of said line, to be styled the East ward ; and that portion west of said line, to be styled the West ward ; and the place of holding the election for both wards, shall be in the court house, in said borough ; each ward to have its separate room and window for holding the same ; and that the two justices of the peace to which the said borough is entitled, shall be hereafter elected by the legal voters of each ward separately, and each ward to be entitled to one justice of the peace, who shall be a resident of the ward in which he is elected ; and the

Uniontown borough divided into two wards.

constable of said borough shall be elected by a joint vote of the two wards.

Officers for the
ensuing election.

SECTION 9. That the judge and inspectors of the elections, elected in the year one thousand eight hundred forty-nine, for Union borough, shall be the judge and inspectors to hold the ensuing election, in the said West ward, for judge and inspectors, and other township officers; and Gabriel Getzendaner be and is hereby appointed judge, and William C. Stephens and John Canon inspectors, to hold the election in the East ward; and the qualified voters of each ward are hereby authorized to meet at their respective places of holding the elections, at the usual time, and elect inspectors and judges for the elections of said wards: *Provided*, That nothing herein contained shall affect the present mode of conducting the charter elections of said borough.

Sandy Lake,
Mercer county,
erected into a
separate election
district.

SECTION 10. That the township of Sandy Lake, in the county of Mercer, be and the same hereby is erected into a separate election district, and the qualified voters thereof shall hereafter hold their general and township elections at the house of doctor J. P. Vath, in said township; and Daniel Stickel is hereby appointed judge, and Thomas Brown and Hugh Baird are hereby appointed inspectors, or such of them as shall be necessary under the election laws of this commonwealth, to act in conjunction with such other person or persons as may have been duly elected judge or inspector of elections, by the qualified electors of Sandy Lake township, in said county, in March last, and who may, on the third Friday of March next, reside within said township as at present established, to open, hold and conduct, on the third Friday of March next, the township elections in said township, for the election of the usual township officers, and also, for one judge and two inspectors of elections; and it shall be the duty of the said Daniel Stickel, or such other person as may be judge, as aforesaid, to give notice of the said elections in the same manner, time, and with the same legal effect, as constables are required by law to give of township elections.

Worth township,
Mercer county,
erected into a
separate election
district.

SECTION 11. That the township of Worth, in the county of Mercer, be and the same hereby is erected into a separate election district, and the qualified voters thereof shall hold their general and township elections at the brick house of John Gadsby, in said township; and John-son Graham is hereby appointed judge, and Aaron Carmichael and James Miller are hereby appointed inspectors, or such of them as shall be necessary under the election laws of this commonwealth, to act in conjunction with such other person or persons as may have been duly elected judge or inspector of elections, by the qualified electors of Sandy Lake township, in said county, in March last, and who may, on the third Friday of March next, reside in said township of Worth, whose duty it shall be to hold and conduct the township elections in the said township, on the third Friday in March next; and it shall also be the duty of such judge, to give the notices of the said election, in the same manner, and with the same legal effect, as constables are required by law to do of township elections.

East Lackawan-
nock township,
place of holding
election in.

SECTION 12. That the qualified voters of the township of East Lackawannock, in the county of Mercer, shall hereafter hold their general and township elections at school house number two, in said township.

Mill Creek town-
ship, Mercer
county, erected
into a separate
election district.

SECTION 13. That the township of Mill Creek, in the county of Mercer, be and the same hereby is erected into a separate election district, and the qualified voters thereof shall hereafter hold their general and township elections at the Wry school house, in said township; and Abraham K. Price is hereby appointed judge, and Gorden Vorhies and Joseph Jackson are hereby appointed inspectors, or such of them as shall be necessary under the election laws of this commonwealth, to act

in conjunction with such other person or persons as may have been duly elected judge or inspector of elections, by the qualified electors of French Creek township, in said county, in March last, and who may, on the third Friday of March next, reside in said township of Mill Creek, whose duty it shall be to open, hold and conduct, on the third Friday of March next, the usual township elections, in the said township of Mill Creek; and it shall further be the duty of such judge, to give the notices of the said township elections required by law to be given by the constable, and with the like force and virtue, and in the same manner.

SECTION 14. That the township of French Creek, in the county of Mercer, be and the same is hereby erected into a separate election district, and the qualified voters thereof shall hereafter hold their general and township elections at the house of John Moore, in said township; and Joseph Smith is hereby appointed judge, and Crookson Long and John Moore are hereby appointed inspectors, or such of them as shall be necessary under the election laws of this commonwealth, to act in conjunction with such other person or persons as may have been duly elected judge or inspector of elections, by the qualified electors of French Creek township, in said county, in March last, and who may, on the third Friday of March next, reside in said township, to hold and conduct the township elections in said township, for the year one thousand eight hundred and fifty; and it shall be the duty of such judge, to give the notices of the said township elections, in the same manner and with the same effect as constables are by law required to give of township elections.

French Creek township, Mercer county, erected into a separate election district.

SECTION 15. That from and after the passage of this act, the qualified voters of the township of Penn Forest, in the county of Carbon, shall hold their general and township elections at the house of Enos Koch, in said township.

Penn Forest township, Carbon county, place of holding elections in.

SECTION 16. That the borough of Mauch Chunk, in the county of Carbon, is hereby erected into a separate election district, and that the qualified voters thereof shall hold their general and borough elections at the house of John Lentz, in said borough.

Mauch Chunk borough erected into a separate election district.

SECTION 17. That from and after the passage of this act, the qualified voters of the township of Mauch Chunk, in the county of Carbon, shall hold their general and township elections at the house of John Lentz, in said township.

Mauch Chunk township.

SECTION 18. That the qualified voters of Herrick township, in the county of Bradford, shall hereafter hold their general, special and township elections at the Herrick school house, near William Durand's, in said township.

Herrick township, Bradford county, place of holding elections in.

SECTION 19. That the qualified electors of Young township, in Indiana county, shall hereafter hold their general and township elections at school house number five, in said township.

Young township, Indiana county.

SECTION 20. That hereafter the qualified electors of the township of Cornplanter, Venango county, shall hold their general and township elections at the house now occupied by James and Henry Turner, in said township; and that hereafter the qualified electors of Cornplanter township shall hold their spring election on the second Friday of February, to elect their township officers, instead of the day now appointed by law.

Cornplanter township, Venango county.

SECTION 21. That the qualified voters of South-West township, in Wayne county, are hereby authorized to hold their township and general elections at the house of Warner Perry, in the village of Enterprise.

South-West township, Wayne county.

Bagg township,
Centre county.

SECTION 22. That hereafter the qualified electors of Bagg township, in Centre county, shall hold their spring and general elections in the brick school house near Millsburg, in said township.

Patton township,
Centre county.

SECTION 23. That hereafter the qualified electors of Patton township, in Centre county, shall hold their spring and general elections at the public house of Peter Murray, in said township.

Pocopson town-
ship, Chester
county.

SECTION 24. That the township of Pocopson, in the county of Chester, shall hereafter be a separate election district, and the qualified electors thereof shall hold their general and township elections at the house of Holton C. Yarnall, in Locust Grove, in said township.

Wayne town-
ship, Armstrong
county.

SECTION 25. That the qualified electors of Wayne township, Armstrong county, shall hereafter hold their general and township elections at the house of George Ellenberger, in said township.

Watts township,
Perry county,
erected into a
separate election
district.

SECTION 26. That the new township of Watts, in the county of Perry, is hereby erected into a separate election district, and that the qualified voters of said township shall hold their general and township elections at the school house near the Lutheran church, in said township; and that Thomas J. Linton is hereby appointed judge, and Alexander M'Alister and Benjamin Levingston, inspectors, whose duty it shall be to serve as election officers, until others shall be duly elected; and that the first spring or township election for the year one thousand eight hundred and fifty, shall be held on the fifth Friday of March, and in all other respects shall be governed by the general election laws of this commonwealth.

New Buffalo
borough, erected
into a separate
election district.

SECTION 27. That from and after the passage of this act, the borough of New Buffalo, in the county of Perry, be and the same is hereby erected into a separate general election district, and the qualified voters of said borough shall hold their general election at the school house in said borough: *Provided*, That the election for inspectors and judge of elections, shall be held on the fifth Friday of March, in the year one thousand eight hundred and fifty, and that said election shall be held by the same persons who are legally authorized to hold the election of school directors.

White Haven
borough, Luz-
erne county,
erected into a
separate election
district.

SECTION 28. The borough of White Haven, in Luzerne county, shall form a separate election district, and the place of holding the general and borough elections shall be at the house now occupied by Arthur Smith, in said borough, and that David Dean and Abraham Ripple be the inspectors, and Arthur Smith the judge, to hold the spring election next ensuing the passage of this act.

Versailles town-
ship, Allegheny
county, place of
holding elections
in.

SECTION 29. That the qualified voters of Versailles township, in the county of Allegheny, shall hereafter hold their general and township elections at the brick school house, situated in the vicinity of the house of William A. Shaw, in said township.

Derry township,
Columbia county.

SECTION 30. That hereafter the citizens of Derry township, Columbia county, shall hold their general and township elections at the public house owned by Alexander B. Cummings, and lately occupied by Alexander Cummings, in the town of Washingtonville, in said township.

Eulalia town-
ship, Potter
county.

SECTION 31. That hereafter the qualified voters of Eulalia township, in the county of Potter, shall hold their general election at the house of S. S. Roberts, in the borough of Coudersport, in said township.

Reading town-
ship, Adams
county.

SECTION 32. That the qualified voters of the township of Reading, in the county of Adams, shall hold their general elections at the public house now occupied by Isaac Yount, in the town of Hampton, in said township.

Pymatuning
township, Mercer
county.

SECTION 33. That hereafter the qualified electors of Pymatuning township, in the county of Mercer, (except those residing in the bor-

ough of Clarksville,) shall hereafter hold their general and township elections at the school house known as the Campbell school house, in said township.

SECTION 34. That hereafter the qualified electors of the township of Fallowfield town-
Fallowfield, in the county of Washington, shall hold their township ship, Washing-
and general elections at the house now occupied by Peter Snyder, in ton county.
said township.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 86.

AN ACT

Relative to the Lancaster county prison.

WHEREAS, The commissioners of Lancaster county are now erect- Preamble.
ing a new county prison, for the government and regulation of which,
legislative enactment is required ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representa-
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same.* That
the said new prison when completed, shall be known and called by the Name.
name of "The Lancaster county prison," and shall be managed by a
board of inspectors, consisting of six discreet taxable citizens residing Inspectors to con-
in said county, who shall be elected by the electors of the county of sist of six.
Lancaster, as follows : the qualified electors of the county of Lan- How elected.
caster aforesaid, shall at the general election next ensuing the passing of
this act, and in the manner prescribed by law for the election of mem-
bers of the house of representatives of this commonwealth, elect six
discreet taxable citizens of the said county, to be inspectors of said
prison ; and the return judges of the election of the said county of Lan-
caster, shall immediately on receiving the returns from the election dis-
tricts and casting up the number of votes therein, or within three days
thereafter, certify the names of the inspectors so elected to the pro-
thonotary of the said county, who shall file the said certificate in his
office, and forthwith give notice in writing, to the said inspectors of
their election ; and the said inspectors shall meet at the commissioners'
office of the said county, on the first Monday in November next ensu-
ing their election, at eleven o'clock in the forenoon, and divide them-
selves by lot into three classes, the places of the first to be vacated at
the expiration of one year from the day of their election, of the second
at the expiration of two years from the day of their election, and the inspectors. Classification of

Vacancies, how
supplied.

third at the expiration of three years from the day of their election, (so that one third be chosen annually thereafter,) and annually thereafter, at the time and in the manner before provided for, the qualified electors of said county shall elect two persons as prison inspectors, to fill the places of those whose time of service shall expire, who shall hold their offices for three years, and whose election shall be certified by the return judges to the prothonotary of the said county, whose duty it shall be to give notice to the persons elected inspectors in the manner before provided; and if any vacancy shall occur in the board of the said inspectors by death, resignation or otherwise, the commissioners of the said county of Lancaster shall appoint a suitable person to supply the vacancy until the next general election, when a person shall be elected for the unexpired time of him whose death, resignation, removal or otherwise, shall have caused a vacancy; and in case of the absence or refusal to act, of any person elected a prison inspector, at the time appointed for dividing themselves by lot into classes, one of the said commissioners shall act on that occasion in his place and behalf; and the said commissioners shall also keep a minute of that day's proceedings, and the same to be properly preserved in their office; the inspectors shall also before they enter upon the duties of their appointment, be duly sworn or affirmed to discharge the duties of their office with fidelity and according to law, a copy of which oath or affirmation shall be signed by the inspectors, and filed in the office of the commissioners of the said county.

SECTION 2. The following rules and regulations for the government of said prison are hereby enacted and established:

ARTICLE I.

INSPECTORS AND THEIR DUTIES.

They shall at their first meeting, and annually thereafter, appoint of their number, a president and secretary, they shall keep regular minutes of their proceedings, hold stated meetings once a month, and adjourned and special meetings whenever necessary; they shall annually appoint a keeper, physician and all other officers for the prison, and fix their salaries or compensation, as well as that of all other persons employed in and about the prison; a majority of said inspectors shall constitute a board, and may do any act or acts required of said inspectors, and shall with the approbation of the court of quarter sessions of said county, make such rules for the internal regulation and government of the prison, as shall not be inconsistent with the constitution and laws of this commonwealth, or the principles of separate confinement, as set forth and declared by this act; they shall direct the manner in which all the bedding, clothing, provisions and all articles and supplies necessary for the support and employment of the persons confined in said prison shall be purchased, and also the sale of articles manufactured therein, and shall direct the manner in which the convicts confined in said prison shall be employed; they shall determine the quantity and the kind of food that shall be furnished daily to each person confined in said prison, and the debtors' apartment; they shall determine the bedding of all convicts, prisoners and debtors, the form and color of the uniform of male convicts, and the kind of dress to be worn by female convicts and prisoners, in summer and winter; they shall at least by one of their number, visit the prison and apartment for debtors at least once a week, and oftener if necessary, to see that the duties of the several officers and attendants are correctly and strictly performed, and

Meetings, &c.
Officers.

Keeper, physician, &c.

Salaries.
Quorum.

Rules and regulations.

Bedding, clothing, &c.

Food.

Dress.

Visits.

to prevent all oppression, speculation, or other abuse or mismanagement of said prison; they shall on their visit to the cells and to the debtor apartment, speak to each person confined therein, and shall not be attended by any of the officers of the prison, unless thereto specially required by them; they shall if required, be furnished by the keeper with a calendar of the persons confined in said prison, and shall by ^{Calendar.} actual inspection see whether all the persons named in said calendar are confined in the respective cells and apartments assigned to them, and the convicts employed as directed; they, or any one of them, shall have power to examine any person upon oath or affirmation, relative to any abuse or oppression in said prison, or other matter within the ^{Abuse or oppres-} province of their duties, and any false swearing shall be punished as is ^{sion.} provided by law in case of perjury; they shall at any time after the annual period of appointing, have power to dismiss the keeper, physi- ^{Dismissal of} cian and all or any person employed about the prison, and to supply ^{keeper, &c.} vacancies thus or otherwise occurring; they shall on or before the Monday of the first term of the court of quarter sessions in every year, make a report in writing to the said court, of the state of the said prison; the report shall contain the number of prisoners in confinement, their age and alleged place of nativity, time of commitment, for what offence, noticing those who escaped, died, and the disease of which they died, who were pardoned or discharged; also, such observations on the efficiency of the system of separate confinement as may be the result of their experience, and give such information as they may deem expedient for making said prison effectual in the punishment and reformation of offenders; whereupon the said court shall order the same to be printed, and may take such other order on said report as they shall think proper, and cause said report to be filed in the office of the ^{Report.} clerk of the court aforesaid; the said inspectors shall also, annually, in the month of September, furnish to the commissioners of the county of Lancaster, an estimate of the probable amount necessary for the support of the said prison for the year following the first of January then next.

ARTICLE II.

KEEPER AND HIS DUTY.

The keeper shall reside in the prison or institution, and not absent himself for a night without the consent of two of the inspectors in writing; he shall visit every cell and apartment, and see and inspect the ^{Keeper to reside} condition of every person confined under his care, at least twice every day, and oftener if practicable, and when visiting the departments of the females, shall be attended by the matron, if there be one; he shall keep a journal, in which shall be regularly entered the reception, discharge, death, pardon or escape of any prisoner; the complaints that are made and the punishments inflicted for the breach of prison discipline, as they occur; the visits of inspectors and physicians, and all other occurrences of note that concern the state of the prison; he may, with the advice of the inspectors, dismiss the under-keepers, or any of them; he shall report all infractions of the rules to the inspectors, and with the approbation of one of them, punish the offender in such manner as shall be directed by the rules to be enacted by the inspectors, as hereinbefore provided for; he shall take charge, keep and preserve all money, effects and clothes found on persons brought into the prison to be confined as convicts or prisoners, and shall deliver the same to them or their order when discharged; he shall see that all meals are regularly delivered to

LAWS OF PENNSYLVANIA,

the prisoners according to the prison allowance, and superintend the work of such as are employed; he shall give immediate notice to the physician whenever any person confined shall complain of such illness as to require medical aid; he shall obey all legal orders given by the inspectors, and all rules established for the government of said prison, as hereinbefore provided for.

ARTICLE III.

UNDER-KEEPERS AND THEIR DUTIES.

Under keepers,
duties of.

The under-keepers shall see and inspect every person committed to their care, at least three times in every day, and oftener if directed; they shall see that all meals are regularly delivered to the prisoners, according to the prison allowance, and superintend, under the general direction of the keeper, the work of such as are employed; they shall give immediate notice to the keeper, or, in his absence, to the physician, whenever any person confined shall complain of such illness as to require medical aid. The under-keepers shall have each a certain number of persons confined assigned to their ward, and shall daily report to the keeper of their health and conduct; nor shall any of the under-keepers be present when the keeper or any of the inspectors visit the persons confined under his particular care, unless required thereto by them. They shall obey all legal orders given by the keeper or inspectors, and all rules established for the government of the prison. All orders to the under-keepers must be given through or by the keeper. They shall not absent themselves from the prison during the hours of duty, without permission in writing by the keeper.

ARTICLE IV.

PHYSICIAN AND HIS DUTIES.

Physician, duties
of.

The physician shall visit every prisoner once in every fortnight, and oftener if the state of his or her health shall require it, and report, in writing, once every three months to the inspectors; he shall attend immediately on notice from the keeper that any prisoner is sick, prescribe and administer to their need; he shall, on reception of any person into the prison as a convict, if present, or if not, at his next visit, examine the state of his or her health; he shall direct the diet of those under his care, as well as such other matters as in his judgment will best promote the health, convenience and comfort of the sick.

ARTICLE V.

TREATMENT OF CONVICTS.

Convicts, treat-
ment of.

On the reception of a convict, he or she shall be examined by the keeper, in presence of any of the inspectors who may be present, and of the under-keepers who can conveniently attend, of his or her name, parentage, alledged place of nativity, profession, trade or occupation, complexion, color of hair, eyes, height, and length of his or her feet, accurately measured, all of which shall be entered of record, in a book to be kept for that purpose, together with such other natural or accidental marks or peculiarity of features or appearance, as may serve to identify the person; and if the convict can write, shall write his or her signature to the description of his or her person. He or she shall then be examined by the

physician, if present, of his or her health ; then be stripped of all money, effects and clothes on their persons, all of which shall be entered of record in a book provided for that purpose ; and shall be kept, preserved and delivered as herein provided for. He or she shall then be bathed, cleaned and clothed in the uniform of the prison, and conducted to the cell assigned him or her, numerically assigned, by which he or she shall thereafter be known during his or her imprisonment. No convict shall be allowed the use of tobacco or ardent spirits in any form, unless under the special direction of the attending physician, or be permitted to receive any thing but the prison allowance ; and any person that shall supply or attempt to supply a convict with any article, by this clause forbidden, shall, on conviction, be fined not less than twenty, nor more than one hundred dollars ; and if an officer or keeper, be dismissed. No convict shall be discharged whilst laboring under a dangerous disease, although entitled thereto, unless by their own desire. The uniform of convicts shall be determined by the inspectors. When a convict shall be discharged by the expiration of his or her time of imprisonment, or by pardon, the clothes belonging to the prison shall be taken off, and those belonging to the convict restored, together with any money or effects taken from him or her at the time of reception into prison as hereinbefore provided for. If he or she shall not possess any money or suitable clothing, the inspectors shall provide them with what, in their judgment, may be necessary, not exceeding in money and clothing two dollars in amount.

ARTICLE VI.

TREATMENT OF PRISONERS—DEBTORS EXCEPTED.

On the reception of any person for imprisonment in said prison, committed to await his or her trial, he or she shall be examined by the keeper, in presence of the officer or other person delivering said prisoner, any of the inspectors who may be present, and of the under-keepers who can conveniently attend, and deprived of all money and effects, clothing excepted, on their person, all of which shall be entered of record in a book provided for that purpose ; which money and effects shall be kept, preserved and delivered as hereinbefore provided for ; shall be signed by the keeper, and attested by the aforesaid persons who may be present at the aforesaid examination and deprivation of him or her as aforesaid. He or she shall then, if necessary, be bathed and cleaned, and conducted to the cell assigned him or her, numerically designated, by which he or she shall thereafter be known during his or her imprisonment. They shall be provided, if in the opinion of the inspectors it is necessary for their comfort, with suitable clothing to be worn while in prison. They shall be subject to such rules as the inspectors may adopt in the manner hereinbefore provided, for the preservation of cleanliness, decorum and order in the cells among the prisoners ; and may be punished by closer confinement and deprivation of food, until obedience is submitted to. No prisoner shall be discharged whilst laboring under a dangerous illness, unless by his own desire. When a prisoner shall be discharged from imprisonment, the money and effects of which he or she was deprived when received into prison, shall be restored as hereinbefore provided for, unless paid out before that time, by order of such persons : *Provided however,* That such persons shall not be compelled to labor unless at their own desire, and should any desire it, he or she shall, as soon as practicable, be put to such labor as shall be in practice in said prison ; and in case of acquittal

Prisoners, treatment of.

on trial, he or she shall be paid for their labor by the inspectors, out of the funds of the prison, such sum as the inspectors of said prison shall judge he or she is in equity entitled to : *Provided also*, That any such person shall, at his or her expense, have the privilege of books to read and materials to write, subject, nevertheless, to such restriction as the inspectors may enact, by rules to be made as hereinbefore provided for.

ARTICLE VII.

VISITORS.

Official visitors. SECTION 1. The official visitors of the prison shall be the governor, the members of the legislature, secretary of the commonwealth, the judges of the supreme court, the president judges of all the courts in the state, the attorney general, the president and associate judges, deputy attorney general, grand juries, commissioners and sheriff of the county of Lancaster ; no person who is not an official-visitor, or who has not written permission according to such rules as the inspectors may adopt as aforesaid, shall be allowed to visit the prison, except attorneys-at-law, who shall be permitted to visit their clients confined for trial; none but the official visitors shall have any communication with the convicts, nor shall any visitor whatever, be permitted to deliver to, or receive from any convict or any person confined, any letter or message whatever, or to supply them with any articles of any kind, excepting such letters or messages to or from persons confined for trial, as shall first be submitted or communicated to the keeper, or one of the inspectors, and by either approved of, under the penalty of one hundred dollars ; any visitor who shall discover any abuse or oppression, shall immediately make the same known to the board of inspectors, or to the judges of the court of quarter sessions, if any of the inspectors are implicated.

Removal of prisoners.

SECTION 2. As soon as the Lancaster county prison shall be completed and prepared for the reception of prisoners, the inspectors thereof appointed pursuant to this act, shall take charge of the said prison, and thereupon issue their order to the sheriff of the said county of Lancaster, who is hereby authorized and directed to execute the same, commanding the sheriff forthwith to remove the said prisoners and deliver to the keeper thereof, all persons, debtors excepted, who shall then be confined in the old jail ; debtors who shall then be in confinement as aforesaid, shall on the authority and in the manner aforesaid, be removed to the debtor apartment as soon as the same shall be completed and prepared for their reception ; they shall each be confined in the respective apartment assigned for them, and therein undergo their respective sentences or terms of imprisonment as nearly as may be practicable thereto, until the expiration of the term of such sentence or imprisonment, and until they be otherwise legally discharged.

Apartment.

Convicts.

SECTION 3. Every person who shall after the passage of this act, be convicted in any court of criminal jurisdiction in the county of Lancaster, of any crime or misdemeanor, the punishment of which would be imprisonment in the penitentiary, excepting murder in the second degree or manslaughter, shall be sentenced by the proper court to undergo said punishment, either in the state penitentiary or in the Lancaster county prison, at the discretion of the court; every person after the completion of said new prison, convicted in Lancaster county, of any offence now punishable by imprisonment in the county jail, to undergo his or her imprisonment in the Lancaster county prison.

Inquests.

SECTION 4. From and after the passage of this act, no inquest shall be held on the body of any person who may die during his or her con-

finement in the Lancaster county prison, unless the coroner of said county be thereunto required by the inspectors of said prison, except in cases of murder, suicide, manslaughter or death caused by casualties; and it shall be the duty of the attending physician of said prison to certify to the inspectors thereof, the name and age of every person who may die in said prison, together with the disease or cause of death of each person, so far as he can ascertain the same, which certificate the inspectors of said prison shall cause to be entered in a book to be by them kept for that purpose, and the original shall be by them delivered to the clerk of the court of quarter sessions of the county, to be by him filed in his office for the inspection of all interested; the inspectors of said prison shall have power, and they are hereby directed and required, unless when the friends of the deceased will take charge of the body, to have such deceased person interred.

Interments.

SECTION 5. The board of inspectors of the Lancaster county prison, shall be and they are hereby authorized to discharge from prison, without the delay and expense of any proceeding, under the insolvent laws of this commonwealth, every convict who shall have served out the term of his imprisonment at labor, to which such convict has been or hereafter may be sentenced, notwithstanding such convict shall not have paid the costs of prosecution, fine to the commonwealth, or restored the property stolen, or paid the value thereof, if, in the opinion of the said board of inspectors, such convict is unable to pay or return the same: *Provided always*, That such discharge shall in no way interfere with the rights of the commonwealth, the public officers, or of any person interested in the payment or restitution thereof; but no such discharge shall be allowed or granted by the said board of inspectors, until such convict shall have exhibited to them, on oath or affirmation, duplicate schedules of all his property, if any he has, so far as he can ascertain the same, one of which schedules or list of property shall be by the said inspectors filed and preserved with the papers of the prison, and the other forthwith delivered to the clerk of the court of quarter sessions of Lancaster county, who shall file the same in his office.

Discharge of prisoners.

Proviso.

SECTION 6. No inspector, keeper or other person employed or appointed to execute any duty, trust or employment in and about the said prison, shall, without the permission from the board of inspectors, sell any article of any kind to a prisoner, or to or for the use of the prison aforesaid, or be directly or indirectly in way concerned in any contract connected with such sale, or derive any emolument or advantage from such sale or contract; nor shall either or any of them extend to any person confined in said prison, any favor, lenity or mitigation of punishment, or inflict any punishment not authorized by law or the rules that shall be adopted by the inspectors, in accordance with law; nor shall they receive, under any pretence whatever, from any person confined in said prison, or from any one else on his behalf, any money, reward, gratuity or gift whatever; and any violation of this law, or any subsequent act relative to said prison, shall be considered and adjudged a misdemeanor, and on conviction for any such offence before the court of quarter sessions of the peace of said county, the person so convicted shall be punished by a fine not less than twenty, nor more than three hundred dollars, and be imprisoned for any term not less than one, nor more than twelve months, and shall be immediately removed from such office or appointment.

Inspectors prohibited selling articles to prisoners.

SECTION 7. The penalties imposed by this act, the recovery of which is not herein specially provided for, shall be recovered in the name of the commonwealth of Pennsylvania, for the use of the county of Lan-

Penalties, how recovered.

easter, by action of debt, before any justice, alderman or court of record having jurisdiction of sums of that amount.

Funds, how furnished. SECTION 8. For the funds necessary for keeping, furnishing and maintaining said prison, in conformity with the provisions of this act, the inspectors are hereby authorized to apply to the commissioners of said county, and if it shall appear to the said commissioners that the sum applied for is reasonable, and that the accounts of the said inspectors are properly kept and adjusted, the said commissioners shall forthwith draw an order on the treasurer of the said county, in favor of the treasurer of said prison for the use thereof, for such sum as shall be necessary to satisfy such demand.

Duties of treasurer of Lancaster county.

SECTION 9. The treasurer of the said county of Lancaster shall, in addition to his other duties, receive all moneys belonging to the Lancaster county prison, and shall disburse the same on orders drawn on him by the board of inspectors of said prison; he shall keep a true account of all moneys received and disbursed, which account shall at all times be open to the inspection of the inspectors, and each of them, and the commissioners of Lancaster county; he shall, once in each year, state his accounts, and produce his vouchers, which, after examination by the inspectors, shall by them be laid before the county auditors for settlement, at the time and place where the said auditors meet for the purpose of settling the account of the commissioners and other officers, and be acted and reported on as accounts of county officers are by law authorized to be settled, and subject to the same laws relative thereto, and be subject to like appeal, issue and judgment; which account, when so settled, the inspectors shall cause to be published in a manner similar to that of the annual account of the county commissioners and treasurer. The treasurer shall give bond to the commonwealth, for the use of the said county of Lancaster, in such amount and with such security as the judges of the court of quarter sessions of said county shall determine and approve, conditioned for the faithful discharge of all duties enjoined upon him by this act; for a just account of all moneys that may come into his hands in behalf of said prison; for the delivery to his successor in office, of all books, papers and documents, and other things held in right of his office for said prison, and for the payment, by him, of any balance of money belonging to said prison remaining in his hands. The said treasurer shall receive such compensation for his services, as shall be annually fixed by the inspectors, with the approbation of the county commissioners and county auditors.

Keeper, duties of. SECTION 10. The keeper of said prison when qualified to act, and when he shall have entered on the discharge of his duties, shall and is hereby required and directed to receive and take charge of all persons lawfully committed by any court, magistrate, alderman or justice of the peace, or other officer having power to commit to prison; and said keeper shall be responsible for the safe keeping of all persons so committed, in the same manner and to the same extent that sheriffs and jailors are now by law held liable.

Quarter sessions of Lancaster county, duty of. SECTION 11. It shall be the duty of the court of quarter sessions of Lancaster county, to determine at what time the said prison shall be fitted and prepared to receive convicts and other prisoners, and when said court shall so determine and decree, an entry to that effect shall be made on the record of said court, from which time this law shall go into full force and effect.

Keeper to make oath, &c. SECTION 12. The keeper shall before entering on the duties of his appointment, be duly sworn or affirmed, truly and faithfully to discharge the duties of his office, a copy of which oath or affirmation shall be filed among the papers of the inspectors; he shall also before en-

tering upon the duties of his office, give bond to the commonwealth of Pennsylvania, with such an amount and such surety as the judges of the court of quarter sessions of Lancaster county shall determine and approve, conditioned for the faithful discharge and observance of all duties enjoined on him by this act, or by any subsequent act that may be passed, or by the rules of the inspectors, for a just and accurate account of all moneys, goods, chattels and effects of all kind and description whatever, that may come into his hands or that may be placed under his care, in pursuance of said appointment, on behalf of said prison, or by any person confined therein; for the delivery to his successor in office of all books, papers and documents; also, of all goods, chattels and effects which he may have and hold in right of said appointment, and for the payment of any balance of money belonging to said prison, or any person confined therein, remaining in his hands, and for the safe keeping of all prisoners and other persons committed to his charge, which bond shall stand for the use of any person or persons injured by the acts or delinquencies of said keeper, and may be proceeded on by any person aggrieved, in the same manner as is directed with regard to sheriffs' bonds; and all other persons employed in or about the prison, shall, if the inspectors require it, give bond with security in such amount as they may direct, conditioned as near as expedient to that of the keeper, and in such manner as the inspectors shall fix and determine; said bond to be approved by said inspectors; said bonds of treasurer and keeper to be taken and acknowledged before the recorder of deeds of the same county, and recorded in his office at the cost of the respective officers, and the original bonds shall be filed by the inspectors in their office; copies of the record of any of the said bonds, acknowledged and recorded as aforesaid, and duly certified by the recorder of deeds for the time being, shall be good evidence in any action brought against such treasurer or keeper, or their sureties on such bonds, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

Give bond.

To give account, &c.

SECTION 13. The said inspectors shall each of them receive for their services, twenty-five dollars per annum, to defray the expense of their necessary attendance on the duties of their offices.

Pay of inspectors.

SECTION 14. That the commissioners of Lancaster county be and they are hereby authorized, as soon after the removal of the prisoners from the present jail to the Lancaster county prison, and as soon as to them shall appear expedient, sell at public sale what is now understood to be the old jail property in the city of Lancaster, consisting of the jail and ground attached thereto, as well as all other ground adjoining, whether purchased by the county of Lancaster or otherwise, in their possession, the same to be sold together, or in such parcels or subdivisions as will in the opinion of the said commissioners insure the highest and best price for the same, and on such terms and conditions as they shall prescribe, and convey to the purchaser or purchasers, the said property by deed or deeds; the proceeds of the said property to be paid into the county treasurer of the said county of Lancaster, to be held in trust and for the special purpose that the proceeds arising from such sale or sales be applied towards defraying the expenses of the erection of the said new county prison.

Sale of old jail property.

Appropriation of proceeds of such sale.

SECTION 15. All acts of assembly heretofore passed on the subject of county prisons, so far as the same are inconsistent with this act, are hereby repealed, so far as regards the prison of Lancaster county, when the same shall be built and completed and be fitted and prepared to

Repeal.

receive debtors, convicts, and other persons, as contemplated by this act.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, in the year of our Lord, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 87.

A SUPPLEMENT

To an act passed the fifth day of April, one thousand eight hundred and forty-nine, authorizing the erection of a poor house in the county of Westmoreland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Hill, John Kuhns and Abraham Altman, Samuel Kelley and John Reed, be and they are hereby appointed directors of a poor house in the county of Westmoreland, to do and perform the services required of directors, specified in the fourth section of the act to which this is a supplement, a majority of whom shall constitute a quorum for the transaction of business; and the said directors shall enter upon their duties immediately after the passage of this act, and continue in office until after the next annual election, and until their successors are duly qualified, without classification; and the said directors, as well as those hereafter elected, shall receive from the commissioners of Westmoreland county, one dollar and fifty cents per day for their services, so long as they may be necessarily employed in the duties of their office.

Directors of a
poor house in
Westmoreland
county.

SECTION 2. The commissioners of Westmoreland county are hereby authorized and empowered, if necessary, to negotiate a loan on or before the first of April next, to meet the first payment of a farm purchased by the commissioners named in the act to which this is a supplement.

Commissioners
to negotiate a
loan.

SECTION 3. The act of the fifth of April, one thousand eight hundred and forty-nine, to which this is a supplement, is hereby legalized, made good and valid.

Certain act legal-
ized.

SECTION 4. That so much of the act to which this is a supplement as is hereby supplied, is hereby repealed, and the remainder of said act is hereby declared in full force and virtue.

Repeal.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 88.

A SUPPLEMENT

To an act, entitled "An Act regulating election districts, and for other purposes," approved the fourteenth day of April, one thousand-eight hundred and forty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sixty-seventh section of the act to which this is a supplement, shall not be so construed so as to interfere, or in any way affect the title to, or boundary lines of any lands that may have been located near the line mentioned in said section, or bounded on the old county line between Indiana and Cambria counties, previous to the passage of the act to which this is a supplement. Boundary lines to certain lands not to be affected by act of 14th April, 1850.

SECTION 2. That section twenty-second of an act of assembly passed the sixteenth day of March, one thousand eight hundred and forty-seven, entitled "An Act regulating election districts," be and the same is hereby repealed. Act erecting Mississinewa township, Westmoreland county, repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 89.

AN ACT

In relation to certain school districts; and to repeal the twentieth section of an act relative to certain school districts in the counties of Jefferson, Indiana, Cambria, Westmoreland, &c., passed the ninth of April, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the township of Aleppo, in the county of Greene, be and the same is hereby erected into sub-school districts, and each sub-school district aforesaid, to be laid off three miles square, or as near as may be done conveniently, and the school houses in each, to be placed as near the Aleppo township, Greene county, erected into sub-school districts, &c.

centre of their respective districts, as may be found advantageous to the inhabitants thereof, as the nature of the location will admit; and that the present directors, or the directors that may be hereafter elected for the said township, are hereby empowered to proceed forthwith to district said township of Aleppo, and locate the public school houses therein.

Prospect borough, Butler county, erected into a separate school district.

SECTION 2. That the borough of Prospect, in the county of Butler, be and the same is hereby erected into a separate school district, and as such shall have power to elect all such officers, and shall have all the rights and privileges granted to other school districts; and the elections thereof shall be held in the school house in said borough, and on the day and in the manner provided by law, for holding the elections in the adjoining districts; and the qualified citizens of said borough, shall at their first election, elect six school directors for said district, two to serve for one year, two to serve for two years, and two to serve for three years; and their successors shall hereafter be elected in the manner provided by law in other school districts.

Mode of electing school directors in Moyamensing, Philadelphia county, changed.

SECTION 3. That so much of the second section of an act to provide for the education of children at public expense within the city and county of Philadelphia, passed March third, one thousand eight hundred and eighteen, as requires the board of commissioners of the district of Moyamensing, in the county of Philadelphia, to elect by ballot, school directors, be and the same is hereby repealed; and hereafter the school directors, and all other officers elected by said board of commissioners, shall be elected *viva voce*.

Mount Pleasant sub-school district, Lower Saucon township, Northampton county, relative to.

SECTION 4. That the twentieth section of the act, approved on the ninth day of April, one thousand eight hundred and forty-nine, entitled "An Act relative to certain school districts in Jefferson, Indiana, Cambria, Westmoreland, Blair, Carbon, Schuylkill, Bedford, Chester, Delaware, Washington and Northampton counties; relative to supplying the several schools of the commonwealth with state maps; and providing for a public high school, and for the education of colored children in the city of Pittsburg," be and the same is hereby repealed; and the persons therein named shall be re-annexed to the sub-school district to which they belonged before the passage of that act.

Treasurer of East Calm school district, Chester county, required to collect outstanding tax, &c.

SECTION 5. That the treasurer of the school district of East Calm, in the county of Chester, be and he is hereby required to collect all the outstanding school tax now remaining unpaid in said district, in the same manner as collectors of county rates and levies are by law authorized and directed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 90.

A N A C T

Vesting in the trustees of the Baptist church of Hilltown, Bucks county, the title to certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the title to a certain meeting house, grave-yard and lot of land, in the township of Hilltown, in the county of Bucks, devised by the last will and testament of William Thomas, proven and registered in the register's office of said county, October, one thousand seven hundred and fifty-seven, and described in said will, as follows: "To begin at Henry Lewis' corner post; thence south-east somewhat further than the spring or well which belongeth already to the said meeting house, thirty-five perches; thence north-east twenty perches; thence north-west thirty-five perches to a white oak sapling by the great road; thence along the said road south-west twenty perches to the place of beginning, containing by estimation, four acres of land and some odd perches," be and the same is hereby vested in fee simple, in the trustees of the Baptist church and congregation in Hilltown township, in the county of Bucks, and their successors forever, to be held by the said trustees and their successors, subject to the restrictions, privileges, and for the uses, intents and purposes specified in the said devise; and with power to sell or dispose of the same, or any part thereof, free of all encumbrance, whenever in the judgment of said trustees and congregation it may appear advisable so to do: *Provided however,* That in case the said trustees should hereafter dispose of said property, or any part thereof, the proceeds arising therefrom shall be appropriated to the purposes named in the will of said William Thomas, and to these purposes only.

Certain property in the township of Hilltown, Bucks county, vested in the trustees of the Baptist church in said township.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 91.

AN ACT

To incorporate the Eclectic medical college of Pennsylvania.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
- Corporators.** John T. Walsh, Alexander C. Coyle, Jacob Mayland, junior, John Vancourt, Courtland F. Folwell, Thomas Cooke, M. D., Isaac Langbartel, Washington E. Stagerman, John Stewart and their associates and successors, be and they are hereby made and created a body politic and corporate in law and in fact, by the name, style and title of the
- Style.** "Eclectic medical college of Pennsylvania," and by the same name
- Privileges.** shall have perpetual succession, and may sue and be sued, have a common seal, purchase and hold, and convey all lands and tenements, moneys, goods, chattles and effects, make all by-laws necessary or proper for the uses of a medical college and immediately connected therewith, not contrary to the constitution and laws of this commonwealth; and do all and every other matter and thing for the purposes of this act,
- Proviso.** which any corporation or body politic may or can do: *Provided, That* said corporation shall hold no more real estate than the buildings and fixtures necessary for a course of medial instruction.
- Officers.** **SECTION 2.** Said corporation shall have power to elect such officers as may be necessary for the administration thereof, and to enact by-laws for the government, admission and expulsion of members.
- Power to confer degrees.** **SECTION 3.** Said college shall have power to grant the degree of doctor of Eclectic medicine to any such persons as shall have attended two courses of medical lectures, and completed a course of study, and possess the qualifications necessary for the same.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 92.

AN ACT

To incorporate the Zerbe's run and Shamokin improvement company.

WHEREAS, William Taylor, William S. Warner, William M'Knight, Alexander B. Ludlow and Bertram H. Howell, trustees, hold certain land in the counties of Northumberland and Schuylkill, under certain deeds of trust and articles of association; and for the better management and improvement thereof; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That William Taylor, William S. Warner, William M'Knight, Alexander B. Ludlow and Bertram H. Howell, trustees, and other equitable owners of said land, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of the Zerbe's run and Shamokin improvement company, and as such shall have power to take and hold land and real estate, in fee simple, in the counties of Northumberland and Schuylkill; and the purpose and business of the said company shall be the proving and opening the veins of coal and other minerals on or in their land; constructing and erecting schutes, breakers, screens, and fitting and preparing the said veins of coal and other minerals to be worked and leased, and the making and constructing of railroads over and upon their land; and the said company may from time to time make leases of the said veins of coal and other minerals which may be found in the land belonging to the said company; and the said company, by the said name, is hereby declared and made capable in law, to sue and be sued, implead and be impleaded, to have a common seal, to hold and convey such real and personal property as may be necessary to promote the objects and designs of the same, according to the true intent and meaning thereof; and the said company shall have all the rights, powers and privileges, and be subject to all the restrictions, provisos and liabilities conferred and imposed upon the Swatara company, by the second, third and fourth sections of the act incorporating the same, approved the sixth day of March, one thousand eight hundred and forty-nine: *Provided*, That the said company shall elect five directors for the management of the affairs thereof, and fifteen days' notice of the said election shall be given in one newspaper published in the counties of Northumberland and Schuylkill, and one published in the city of Philadelphia.

SECTION 2. This act shall continue in force for twenty years from the time of its passage.

SECTION 3. That the legislature hereby reserves the power to alter or repeal this act, whenever, in their opinion, the same may be injurious to the public interests.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 93.

AN ACT

Relative to the estate of John Wood, deceased; and relative to the estate of Caspar Coxen, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sale made in October last, at the Merchants' exchange, in the city of Philadelphia, to Thomas Davis, of a house and lot of ground belonging to the estate of John Wood, late of Perry county, Pennsylvania, deceased, situate on the west side of Marshall street, number twelve, between Wood and Callowhill streets, in the district of Spring Garden, in the city of Philadelphia, the same adjoining on the north, property of the said Thomas Davis, for the sum of three thousand five hundred and twenty-five dollars, be and the same is hereby validated and confirmed; and it shall be lawful for Mary Clarke and John Wood, executors of the will of John Wood, deceased, to execute and deliver to the said Thomas Davis, a deed for the said premises, the said deed to convey to the said Thomas Davis, his heirs and assigns, all the right, title and interest in and to the said premises existing in the said John Wood, at the time of his death: *Provided however,* That the sum of sixteen hundred and sixty-six dollars and sixty-six cents of the said purchase money be and remain charged on the said premises, the same to be secured by mortgage of the premises, and the bond of the said purchaser during the life time of Hanna Wood, the interest of which to be paid to her yearly during her natural life; and the said principal sum of one thousand six hundred and sixty-six dollars and sixty-six cents, to be disposed of after the death of the said Hanna Wood, as is hereinafter provided; the said bond to be payable to the said executors, or to the survivor of them, or to the executors or administrators of the survivor.

Sale of certain lands of the estate of John Wood, deceased, validated.

SECTION 2. That it shall be lawful for Mary Clarke and John Wood, to receive the residue of the purchase money from the said Thomas Davis, and to give him a full acquittance therefor; and it shall not be obligatory on the said Thomas Davis, to see to the application of the purchase money of the said property, or any part thereof; that after securing the said residue, they shall settle an account in orphans' court of the county of Perry, and shall pay and distribute the balance of the same, after deducting therefrom expenses of said sale, and other costs and charges, in the manner which the said orphans' court direct.

Lawful for executors of John Wood, deceased, to receive residue of purchase money, &c.

SECTION 3. That after the death of Hanna Wood aforesaid, the said executors, or the survivor of them, or the executors or administrators of the survivor, shall be entitled to receive the said principal sum of sixteen hundred and sixty-six dollars and sixty-six cents, and to give a full acquittance therefor, and after deducting costs and expenses and a proper allowance for their trouble and responsibility, to pay or distribute the same as the orphans' court of Perry county may direct: *Provided,* That before receiving the said money, the said executors, or the survivor of them, or the executors or administrators of the survivor receiving the same, shall give such security as the orphans' court of Perry

After death of Hanna Wood, executors to receive principal sum, &c.

Proviso.

county may approve, for the payment or distribution of it in such manner as the said orphans' court shall direct.

SECTION 4. That it shall be lawful for Mary Clarke and John Wood, executors of the will of John Wood, deceased, or either of them, to compromise a judgment obtained by them in the district court for the city and county of Philadelphia, for about fifteen hundred and forty dollars and eighty-one cents, against Cale Pelton, and also all other claims of the estate of the said deceased, against the said Cale Pelton, and to settle the same for such sum as the president judge of the said court may approve.

Executors authorized to compromise a certain judgment.

SECTION 5. That the orphans' court of York county is hereby empowered to grant leave to the legatees under the will of Caspar Coxen, late of said county, deceased, to file exceptions in said court to the report of distributions of said testator's estate, confirmed nisi, on the second day of May, one thousand eight hundred and forty-eight, with the same effect as though they had been duly filed within six weeks after the filing of said report: *Provided*, That application for leave as aforesaid, be made to the said court within six months from the passage of this act.

Orphans' court of York county authorized to grant leave to the legatees of Casper Coxen, to file exception to certain report.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 94.

AN ACT

To incorporate the Mahonoy and Shamokin improvement company.

WHEREAS, Kimber Cleaver, Daniel M. Boyd, David Thompson, William L. Helfenstein and William H. Marshall, trustees, hold certain land in the counties of Northumberland and Schuylkill, under certain deeds of trust and articles of association; and for the better management and improvement thereof; therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Kimber Cleaver, Daniel M. Boyd, David Thompson, William L. Helfenstein and William H. Marshall, trustees, and the other equitable owners of said land, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of "The Mahonoy and Shamokin improvement com-

Corporators.

Style.

Powers and privileges.

pany," and as such shall have power to take and hold land and real estate in fee simple, in the counties of Northumberland and Schuylkill; and the purpose and business of the said company, shall be the proving and opening the veins of coal and other minerals on or in their land, constructing and erecting schutes, breakers, screens, and fitting and preparing the said veins of coal and other minerals to be worked and leased, and the making and constructing of railroads over and upon their land; and the said company may from time to time make leases of the said veins of coal and other minerals, which may be found in the land belonging to the said company; and the said company by the said name, is hereby declared and made capable in law to sue and be sued, implead and be impleaded, to have a common seal, to hold and convey such real and personal property as may be necessary to promote the objects of this incorporation, and to do all things necessary to promote the objects and designs of the same, according to the true intent and meaning thereof; and the said company shall have all the rights, powers and privileges, and be subject to all the restrictions, provisos and liabilities conferred and imposed upon the Swatara company, by the second, third and fourth sections of the act incorporating the same, approved the sixth day of March, one thousand eight hundred and forty-nine: *Provided*, That the said company shall elect five directors for the management of the affairs thereof, and fifteen days' notice of the said election shall be given in one newspaper published in the county of Northumberland, and one published in the city of Philadelphia.

Proviso.

Continuation of this act.

SECTION 2. This act shall continue in force for twenty years from the time of its passage.

Reservation.

SECTION 3. That the legislature reserves the right to alter, amend or annul the charter, at any time hereafter.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 95.

A N A C T

To erect and regulate certain townships and election districts in Beaver and Lawrence counties; and relative to the road laws in certain counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all that part of Marion township, Beaver county, lying north of Conne-

Franklin township erected.

quenessing creek, and that part of Perry township, in said county, lying south of the Beaver and Lawrence county line, be and the same are hereby erected into an independent township, to be called Franklin; and the qualified voters of said township shall hereafter hold their general and township elections at the house of Mark R. Clark, in said township, and that Thomas Wilson, esquire, shall act as judge, and Abner Morton and J. Grier shall act as inspectors at the next succeeding election after the passage of this act.

SECTION 2. That that part of Big Beaver township, within the county of Beaver, is hereby erected into a separate township, to be called Big Beaver; and the same is hereby erected into a separate election and school district, and the qualified voters thereof shall hereafter hold their general and township elections at the house of Mrs. Eliza Miller, in said township.

SECTION 3. That that part of Big Beaver township within the limits of Lawrence county, is hereby erected into a separate township, to be called Big Beaver; and the same is hereby declared to be a separate election and school district, and the qualified voters thereof shall hold their general and township elections at the house of Hugh Moore, in said township, and Isaac Bruce is hereby appointed judge, and William M'Kimore and S. S. Jackson inspectors, to hold the election in said township, in March next.

SECTION 4. That that part of North Sewickly township, within the county of Lawrence, is hereby attached to and shall form part of the township of Wayne; and the said township is hereby erected into a separate election and school district, and the qualified voters thereof shall hold their general and township elections at the place now established by law for holding elections in said township.

SECTION 5. That that part of Little Beaver township, within the limits of Lawrence county, is hereby erected into a separate township, to be called Little Beaver; and said township is hereby erected into a separate election and school district, and the qualified voters thereof shall hold their general and township elections at the place now fixed by law for holding elections in said township.

SECTION 6. That that part of Shenango township, within Lawrence county, (formerly Mercer,) is hereby attached to and shall form part of the township of Pulaski; and said township is hereby erected into a separate election and school district, and the qualified voters thereof shall hold their general and township elections at the public school house in the village of Pulaski, in said township.

SECTION 7. That that part of Wilmington township, in the county of Lawrence, is hereby erected into a separate township, to be called Wilmington; and the same is hereby declared to be a separate election and school district, and the qualified electors thereof shall hold their general and township elections in the public school house in the town of Wilmington, in said township.

SECTION 8. That the township of Slipperyrock, in the county of Lawrence, (formerly Mercer,) shall hereafter be known by the name of North Slipperyrock.

SECTION 9. That that of Perry township, in the county of Lawrence, is hereby erected into a separate township, to be called Perry; and the same is hereby erected into a separate election and school district, and the qualified voters thereof shall hold their general and township elections at the place now fixed by law for holding elections in said township.

SECTION 10. That the inspector of elections who shall have received the highest number of votes for said office, respectively, or who may

Big Beaver township erected into a separate election and school district.

Big Beaver township, Lawrence county, erected into a separate township, &c.

North Sewickly township, Lawrence county, erected.

Little Beaver township, Lawrence county, erected.

Shenango township, Lawrence county, erected.

Wilmington township, Lawrence county, erected.

Slipperyrock township, changed to North Slipperyrock. Perry township, Lawrence county, erected.

Relative to election in Somerset county.

have been appointed to such office in the election districts of Lawrence county, shall take charge of the returns of the election for member of the house of representatives of the United States, at the next general election in said districts respectively, and shall thenceforth do and perform all and singular the duties, and be subject to all the responsibilities which, by the election laws of this commonwealth, the judges of said election districts respectively, would have been subject to and required to perform, had the act erecting Lawrence county not been passed.

Act relative to
certain road laws
extended to Lawrence
county.

SECTION 11. That the provisions of an act, entitled "An Act relative to roads and bridges in the counties of Crawford, Clearfield and Greene," approved the seventh day of April, one thousand eight hundred and forty-four, and as subsequently extended to the county of Mercer, and the several supplements thereto, be and the same are hereby extended to the county of Lawrence; and all the official acts of supervisors in Lawrence county, which shall have been done in conformity with the provisions of said acts and supplements, is hereby confirmed and made good and valid, any construction of legal effects of any other law to the contrary notwithstanding; and supervisors hereafter elected and qualified under the provisions of said act and supplements, shall, in addition to the duties imposed on them by virtue of said act, in laying out or altering any public road in either of the counties aforesaid, except the county of Clearfield, to fix and determine the width thereof, which in no case shall be more than fifty nor less than thirty feet; and further, it shall be the duty of the courts of quarter sessions of the peace in and for the counties aforesaid, to fix and determine the width of all roads which have or hereafter may be laid out by virtue and authority of the act aforesaid, in all cases where the supervisors aforesaid have failed to fix or may hereafter fail to fix the width thereof.

Supervisors of
roads and bridges,
powers of.

SECTION 12. That the supervisors of roads and bridges, which have or may hereafter be elected and qualified in pursuance of said act and supplements, shall have full power and authority, on application as directed in said act, to lay out any new road, alter and vacate old roads, determine and report whether any road so laid out or altered, shall be for public or private use.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 96.

AN ACT

To confirm the title to certain real estate situate in the counties of Adams, Bedford and Somerset.

WHEREAS, Michael Riddlemoser, late of the city of Baltimore, in the state of Maryland, now deceased, did, on the tenth day of August, Anno Domini, one thousand eight hundred and thirty-two, make his last will and testament in writing, which was afterwards, to wit: on the twenty-ninth day of December, Anno Domini, one thousand eight hundred and thirty-two, admitted to probate, wherein and whereby amongst other things he directed, that his estate, both real and personal, should be sold by his executors, thereafter named; and of his said last will and testament he appointed Michael Stillinger, John Diffendall and Samuel Diffendall executors: Preamble.

And whereas, Letters testamentary were duly granted on said last will and testament by the competent authorities, to Michael Stillinger, the other executors therein named, having first renounced on the fifteenth day of January, Anno Domini, one thousand eight hundred and thirty-three:

And whereas, The said Michael Stillinger, acting executor as aforesaid, afterwards sold and conveyed certain tracts and undivided half tracts of land, situate, lying and being in the counties of Adams, Bedford and Somerset, as the property of the said Michael Riddlemoser, deceased, without having first taken out letters testamentary, and given bonds in Pennsylvania as is required by the acts of assembly of this commonwealth; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the conveyances made and delivered by Michael Stillinger, acting executor of the last will and testament of Michael Riddlemoser, deceased, for any and every tract or part of a tract of land, in the counties of Adams, Bedford and Somerset, be and the same are hereby made valid and effectual to all intents and purposes; and that the same shall vest in the purchasers, their heirs and assigns, all the right, title and interest of the said Michael Riddlemoser, at and immediately before the time of his death, in the same manner that they would have done in case the executor aforesaid had taken out letters testamentary, and given bond in Pennsylvania as is required by the existing laws of this commonwealth.

SECTION 2. That the registers of the counties of Adams, Bedford and Somerset, be and either of them hereby is fully authorized to admit to probate the last will and testament of Michael Riddlemoser, deceased, according to the provisions of the twelfth section of an act, entitled "An Act relating to registers and registers' courts," approved the fifteenth day of March, A. D., eighteen hundred and thirty-two; and the copy of the said last will and testament so proved shall have the same force and effect as if the same had been duly proved, letters testamentary had been issued, and bond with security given, at or before the time of the sale of the real estate aforesaid.

Certain conveyances made by Michael Stillinger, executor of Michael Riddlemoser, deceased, made valid.

Registers of Adams, Bedford and Somerset counties, to admit to probate, &c.

Title of Henry
Shriver to certain
lands, made
valid.

SECTION 3. That the title of Henry Shriver, of Adams county, and Benjamin Landis and others, his alienees, holding and claiming under him, to two several tracts of land situate, one in Germany township, in said county, containing two hundred and seventeen acres, neat measure, more or less, and the other situate in Union township, in said county, containing ten acres and three perches, more or less, late the estate of the said Michael Riddlemoser, deceased, and sold and conveyed to the said Henry Shriver by said Michael Stillinger, executor of the said Michael Riddlemoser, deceased, by two several deeds of conveyance, each dated on the twenty-eighth day of September, in the year of our Lord, one thousand eight hundred and forty-one, and acknowledged on the same day before Michael R. Nussear, esquire, a justice of the peace in and for said county, be and the same is hereby declared to be good and valid in law for all purposes, in like manner and to the same effect as if an exemplification of the will of the said Michael Riddlemoser, deceased, as admitted to probate in the register's court of Baltimore county, in the state of Maryland, and the granting of letters testamentary there to the said Michael Stillinger, as executor of the same, had been duly filed of record in the register's office in and for the said county of Adams, and letters testamentary had been duly granted by register of Adams county to him thereupon, and security given by him according to law, prior to said sales, and as if said recited conveyances had been made and executed by the said Michael Stillinger, as executor of Michael Riddlemoser, deceased, in pursuance and by virtue of such letters testamentary, so granted to the said Michael Stillinger, by the register of the said county of Adams.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 97.

A N A C T

In relation to elections and certain election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the township of Manor, in the county of Armstrong, is hereby erected into a separate election district, and that the qualified voters of said township, shall hereafter hold their general and township elections at the house of Isaac Wolf, in said township, and that James Lowther is hereby appointed judge, and Jacob Iseman and Moses Patterson, in-

Manor township,
Armstrong coun-
ty, erected into a
separate election
district.

spectors, to hold the township elections in said township, for the year one thousand eight hundred and fifty; that the first election under this act shall be held at the house of Isaac Wolf aforesaid, on the same day the other township elections in Armstrong county are now by law directed to be held, and that the judge and inspectors named in the first section of this act, be and they are hereby required to give at least ten days' public notice of the time and place of holding said election.

SECTION 2. That hereafter for the election of all state officers, county officers and township officers, whose election by law now is or hereafter shall be authorized, the qualified electors of the county of Dauphin, shall vote for each class of said officers; that is to say, for state officers by delivering to the proper officers one written or printed ticket, containing on the inside the designation of the respective state offices, and immediately below the designation of each office, the name of the person or persons voted for to fill the office; for county officers one other written or printed ticket, which ticket shall contain on the inside the designation of each county office, and the name of the person or persons voted for to fill them, in the manner above directed, in regard to state officers; for township officers one other written or printed ticket, which ticket shall contain on the inside the designation of each township office, and the name of the person or persons voted for to fill them, in the manner already directed, in regard to state and county officers; that each of the aforesaid tickets shall be so folded, as to conceal the names of the persons voted for, and on the outside fold of the ticket for state officers shall be written or printed the words, "state officers;" on the ticket for county officers the words, "county officers;" on the ticket for township officers the words, "township officers;" and that the act, entitled "An Act relative to voting at elections in the counties of Adams, Dauphin, York, Lancaster, Franklin, Cumberland, Bradford, Centre, Greene and Pike," approved the twenty-seventh day of February, Anno Domini, one thousand eight hundred and forty-nine, so far as said act relates to the county of Dauphin, shall be and is hereby repealed.

Mode of voting
at elections in
Dauphin county,
regulated.

SECTION 3. That the qualified voters of Mahoning township, Columbia county, shall hereafter hold their general and township elections at the school house in Petersburg, in said township.

Mahoning township,
Columbia
county, place of
holding election
in, changed.

SECTION 4. That the qualified voters of the township of Fairfield, in the county of Lycoming, shall hereafter hold their general and township elections at the public school house in the borough of Montoursville.

Fairfield township,
Lycoming
county.

SECTION 5. That the qualified voters of the township of Colley, in the county of Sullivan, shall hereafter hold their general and township elections at the house of Jonathan Colley, in said township.

Colley township,
Sullivan county.

SECTION 6. That the qualified electors of Washington township, Butler county, shall hereafter hold their general and township elections at the town hall, in the village of North Washington.

Washington
township, Butler
county.

SECTION 7. That the qualified electors of Butler township, Butler county, shall hereafter hold their general and township elections at the house of Martin Laurent, senior; and the eighth section of an act forming the borough of Saegerstown, in the county of Crawford, into a separate election district; and for changing the place of holding elections in certain election districts; and relative to a town house in East Fallowfield township, in Crawford, approved twenty-ninth day of January, eighteen hundred and fifty, is hereby repealed.

Butler township,
Butler county.

SECTION 8. That hereafter the qualified voters of Upper Dublin township, Montgomery county, shall hold their general elections at the house of Henry Barnet, in said township.

Upper Dublin
township, Mont-
gomery county.

SECTION 9. That hereafter the qualified voters of Rock Dale township, Crawford county, shall hold their general and township elections at the school house on the east side of French creek, at the cross roads where the public bridge crosses said creek.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 98.

A N A C T

To correct clerical errors in the appropriation act of tenth April, one thousand eight hundred and forty-nine, relative to the claims of R. Smith, Sarah and Rhoda Barber, and Hannaniah Gant, and to provide for the payment of the claims of John N. Graft and Robert W. Smith.

Error corrected
in appropriation
act of 1849.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That where the name of H. Smith occurs, in the twenty-second division of the first section of the appropriation act of the tenth of April last, it shall be read R. Smith, so that under said act the money therein mentioned shall be payable to R. Smith, or his order.

Payment to John
N. Graft.

SECTION 2. That the state treasurer be ordered and directed to pay to John N. Graft, the sum of seven dollars twelve cents, being the amount of his pay and mileage as a witness in the investigation of the charges against honorable William N. Irvine, president judge of the nineteenth judicial district of Pennsylvania.

Construction of
part of the appro-
priation act of
1849.

SECTION 3. That so much of the twenty-second division of the act to provide for the ordinary expenses of the government, the repair of the canals and railroads of the commonwealth, and the payment of other claims due by the same, passed the tenth day of April, eighteen hundred and forty-nine, as appropriates "to Rhoda Barber for damages awarded by the canal commissioners, three hundred and twenty-five dollars," shall be construed to authorize the payment of the money so appropriated to Sarah and Rhoda Barber, the real parties to whom the said damages were awarded by the canal commissioners.

Payment to Rob-
ert W. Smith.

SECTION 4. That the state treasurer is hereby directed to pay to Robert W. Smith, out of any moneys in the treasury not otherwise appropriated, the sum of thirteen dollars twenty-four cents in full, for his compensation for mileage and attendance as a witness before the committee of the house of representatives, in the investigation of the charges against honorable William N. Irvine, president judge of the nineteenth judicial district of Pennsylvania.

SECTION 5. That the name of Hannaniah Grant, in the twenty-second division of the first section of the act to provide for the ordinary appropriation bill of expenses of the government, &c., passed tenth April, one thousand eight hundred and forty-nine, be corrected so as to read Hannaniah Gant.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 99.

AN ACT

Regulating certain election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors in Eldred township, Jefferson county, shall hereafter hold their township and general elections at the house of Andrew Shall, in said township. Eldred township,
Jefferson county.

SECTION 2. That from and after the passage of this act, the township of Antalawny, in the county of Berks, shall be and constitute a separate election district; and the qualified voters of said township shall hold their general and township elections at the house of Reuben E. Addams in said township, and Christian Fox is hereby appointed judge, and Jeremiah Mengle and James Bell inspectors, to hold the first township election on the third Friday in March next, and then and thenceforth said officers, and all other necessary township officers, to be elected as now provided by law. Antalawny township,
Berks county, erected
into a separate
election district.

SECTION 3. The qualified electors of the township of Farmington, in the county of Clarion, shall hereafter hold their general and township elections at the school house in Tylersburg, in said township. Farmington township,
Clarion county.

SECTION 4. That the qualified voters of the township of South-West, in the county of Warren, shall hereafter hold their township and general elections at the house of Warner Perry, in the village of Enterprise. South-West township,
Warren county.

SECTION 5. That the township of Madison, in Luzerne county, is hereby erected into an election district, and the place of holding the township and general elections shall be at the white school house, in said township. Madison township,
Luzerne county.

SECTION 6. That hereafter the place of holding the township and general elections in Salem township, Luzerne county, shall be at the house of Wallace Sybert, at Beach Haven, in said township. Salem township,
Luzerne county.

Ramsom township, Luzerne county.

SECTION 7. That the township of Ramsom, in Luzerne county, be and it is hereby erected into an election district, and the place of holding the township and general elections shall be at the school house near the house of John Dorshirmer, in said township.

Union township, Jefferson county.

SECTION 8. The qualified electors in Union township, Jefferson county, shall hereafter hold their township and general elections at the house of Robert Barr, junior, in said township, and the time of holding the township elections shall hereafter be on the fourth Monday in February, in each year.

Clover election district, Jefferson county.

SECTION 9. That the qualified electors of Clover election district, in Jefferson county, shall hereafter hold their township and general elections at the public school house in Troy, in said district.

Upper Allen township, Cumberland county.

SECTION 10. That all elections hereafter to be held in Upper Allen township, in the county of Cumberland, shall be held at the public house of David Sheffer, in Shepherdstown, in said township; and that all elections hereafter to be held for Lower Allen township, in the said county of Cumberland, shall be held at Jonas Hunchbarger's wagon-maker shop, on State hill, in said township, and any laws inconsistent with this act are hereby repealed; and that the judge and inspectors elected in March last, for the Shepherdstown box, now Upper Allen township, shall be and are empowered hereby to hold the next spring election; and that the judge and inspector elected at Milltown box last March, now Lower Allen township, shall be and are empowered hereby to hold the next spring election at Slate hill, in Jonas Hunchbarger's wagon-maker shop.

Lower Allen township.

Windham township, Wyoming county.

SECTION 11. That the qualified voters of the township of Windham, in the county of Wyoming, shall hereafter hold their general and township elections at the house of Ambrose Garey, now occupied by Ziba Lott, in said township.

Huntingdon township, Luzerne county.

SECTION 12. That the place of holding the township and general elections in the township of Huntingdon, in Luzerne county, shall, after the ensuing March election, be held at the house of Nathan D. Siles, in said township.

Fourth ward, Kensington, Philadelphia county.

SECTION 13. That the qualified voters of the Fourth ward, Kensington, in the county of Philadelphia, shall hereafter hold their ward elections at the house of John Brewers, in said ward.

Dundaff borough, Susquehanna county, erected into a separate election district.

SECTION 14. That from and after the passage of this act, the borough of Dundaff, in the county of Susquehanna, shall be and constitute a separate election district; and the qualified voters of said borough shall hold their general and borough elections at the Dundaff hotel, in said borough, and George Cone is hereby appointed judge, and James Chambers, S. G. Weaver inspectors, to hold the first general election, and thenceforth all officers to be elected as now provided by law.

Beaver township, Jefferson county, place of holding elections.

SECTION 15. That beginning at a post in the county of Jefferson, on the Clarion county line, one and one-half miles south of the north-west corner of North Porter township; thence east to Perry township line; thence north three and one-half miles to a post; thence west to the Clarion county line; thence south to the place of beginning; all within the boundary described, be and the same is hereby erected a new township, to be called Beaver; and that John M'Amrich, John Heath and Robert R. Means are hereby appointed commissioners to run and mark the lines of said township, the expenses of which shall be paid out of the treasury of Jefferson county.

Beaver township, place of holding elections.

SECTION 16. The qualified electors of Beaver township, Jefferson county, shall hold their township and general elections at the house of D. D. Wonderleih, in Heathville, said district, and that the time of holding the township elections shall be the first Monday in February,

in each year, and that D. D. Wonderleih act as judge, John H. Hilderbrand and Charles Jacox as inspectors, to hold the township elections for one thousand eight hundred and fifty, which shall be holden on the first Monday in June.

SECTION 17. That the name of Isaac Yount, in the thirty-second section of the act, entitled "An Act relative to election districts," approved the nineteenth of February, one thousand eight hundred and fifty, shall read Israel Yount, the same having been inserted in said act as and by the name of Isaac Yount, by a clerical error; and the said section of said act, shall be held and taken as if the name of Israel Yount had been therein originally inserted.

Name of Isaac Yount, corrected in a certain act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 100.

A N A C T

Authorizing the representatives of Peter Miller, deceased, to pay certain moneys to the German Reformed and Lutheran congregations of Easton.

WHEREAS, Peter Miller, late of the borough of Easton, deceased, bequeathed to the Female benevolent societies connected respectively with the German Reformed congregation of Easton, and with the German Evangelical Lutheran congregation of Easton, the interest of ten thousand dollars, to be paid half yearly out of the proceeds of his real and personal estate:

Preamble.

And whereas, The heirs and others now interested in the said estate, are desirous to hold the same freed and discharged from all claims for or by reason of the said bequest; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the executors and heirs of the said Peter Miller, deceased, be and they are hereby authorized to pay the said principal sum of ten thousand dollars, to wit: five thousand dollars to the said the German Reformed congregation of Easton, and five thousand dollars to the said the German Evangelical Lutheran congregation of Easton, who are hereby severally authorized and empowered to receive and hold the same, in trust for the use of their respective benevolent societies, the annual interest thereof, to be appropriated in such manner as may from time to time be directed by the said benevolent societies respectively; and the receipts, acquittances or releases executed by the said congregations

Executors and heirs of Peter Miller, deceased, authorized to pay certain moneys.

respectively, and delivered to the said executors or heirs, upon payment of the said moneys, shall fully exonerate and discharge the residuary estate of the said Peter Miller, deceased, from all incumbrance or lien to which it might otherwise be held, subject by reason of the said hereinbefore recited bequest.

Further authority SECTION 2. That Samuel Wilhelm, executor and trustee, named in the last will and testament of the said Peter Miller, deceased, be and he hereby is authorized and empowered to assign and transfer stocks, or other securities belonging to the estate of the said deceased, to the said congregations respectively, in whole or in part of the said sums, as may be agreed upon, and to assign and transfer the residue of such stocks or securities, to the legal representatives of the said deceased, divested of the further trust of the said will.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 101.

AN ACT

Relative to the appraisement of mercantile taxes in the county of Berks.

Relative to the duties of appraiser of mercantile taxes in Berks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the duties enjoined on the appraiser of mercantile taxes in the county of Berks, that are devolved on him by the several provisions of the acts of assembly heretofore passed, shall be executed and performed by him, on or before the first day of June, in this and every succeeding year, and that the day or days of appeal shall be not later than the fifteenth day of July thereafter.

Repeal of certain act relative to county rates and levies in Clearfield county.

SECTION 2. That so much of the fourth section of a further supplement to an act, entitled "An Act relating to county rates and levies," passed the fifteenth day of April, one thousand eight hundred and thirty-four, passed fourteenth day of March, one thousand eight hundred and forty-four, as relates to Clearfield county, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 102.

AN ACT

Relative to the distribution of an unexpended balance of money remaining in the treasury of York county, among the several school districts of said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the true intent and meaning of the fifteenth section of an act of assembly, approved the ninth day of April, Anno Domini, one thousand eight hundred and forty-nine, entitled "An Act relative to certain school districts in Jefferson, Indiana, Cambria, Westmoreland, Blair, Carbon, Schuylkill, Bedford, Chester, Delaware, Washington and Northampton counties; relative to supplying the several schools of the commonwealth with the state maps; and providing for a public school, and for the education of colored children in the city of Pittsburg," is hereby declared to be, that the treasurer of York county shall pay to the treasurer of the Manchester school district, in said county, for the use and support of the schools therein, such share or proportion of the money remaining in said county treasury, under and by virtue of the provisions of the act of April first, one thousand eight hundred and thirty-four, entitled "An Act to establish a general system of education by common schools," as said Manchester district shall be entitled to receive, under and by virtue of the provisions of the thirty-seventh section of the act of April seventh, one thousand eight hundred and forty-nine, entitled "An Act for the regulation and continuance of a system of education by common schools," and no more.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 103.

AN ACT

Relative to the estate of the late James M'Alpin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That before the executors and trustees of the estate of James M'Alpin, deceased, shall have power to make a valid and effectual sale, or lease of real estate, in accordance with the provisions of the fourth section of the act of assembly, entitled "An Act to confer on Clarissa Augusta Hess, of Columbia county, the rights and privileges of a child born in lawful wedlock; relative to real estate of the German Lutheran church, of James M'Alpin, Churchill Houston; and in reference to the Bank of Kentucky," approved April twentieth, one thousand eight hundred and forty-nine, the propriety of said sale or lease shall have been adjudged by the court of common pleas of the city and county of Philadelphia, upon the petition of said executors and trustees, and notice to the parties interested.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 104.

AN ACT

To erect Hartford, in Crawford county, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Hartstown, in the county of Crawford, shall be and the same is hereby erected into a borough, which shall be called the borough of "Hartford," bounded and limited as follows: beginning at the north-west corner on line of John Kinsman, where Joseph Patten's land intersects said line; thence east to the embankment; thence by the embankment

Name.

Boundaries.

to the index post at the forks of the road near Franklin Buel's house ; thence south to the south-east corner of lot of John M'Fann ; thence west to the west side of a lot of ground belonging to the Methodist church, by land of William Henry's to a post ; thence north by land of D. S. Martzall and John M'Masters, to the south-east corner of John Harris's lot ; thence west by lot of Harris and M'Masters to the south-west corner of Harris's lot ; thence north by Harris's line to the state road ; thence north from state road by land of Joseph Patten and Andrew M'Kelvy, (deceased,) to the corner of M'Kelvy's lots ; thence east by lot of M'Kelvy and land of J. Patten to John's line ; thence north by land of Patten to the place of beginning.

SECTION 2. The provisions of the act of the general assembly, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs," are hereby extended to the borough of Hartford, except so far as the same may be inconsistent with the provisions of this act.

SECTION 3. The high constable of the said borough, shall have the power and authority vested by the laws of this commonwealth in the constables of the different townships in the said county ; and shall give bond for the just and faithful discharge of the duties of his office, in the manner required of the constables of the different townships in the said county.

SECTION 4. At the first election held in the said borough, for borough officers, there shall be elected six school directors, two to serve for one year, two to serve for two years, and two to serve for three years, and thereafter two school directors, annually ; and the said school directors shall perform the same duties and possess the like powers in all respects as school directors, agreeably to the general laws of this commonwealth.

SECTION 5. The school directors first elected under the provisions of this act, shall immediately after their election, cause to be made an enumeration of the resident taxable inhabitants in said borough, and the president of the board of directors shall certify the same to the superintendent of common schools, who is hereby directed to adopt the number of taxables thus certified to him, as the basis of the distribution to said borough of its share of the state appropriation ; and the amount to which the said borough is entitled, shall be deducted from the amount to which West Fallowfield school district, in the said county, would otherwise be entitled, until after the next triennial enumeration of taxables for school purposes.

SECTION 6. At the first election held in the said borough, for borough officers, and thereafter, annually, there shall be elected an assessor and a judge, and two inspectors, to conduct the general and borough elections in said borough, and at such times as are directed by the existing laws of this commonwealth, an assistant assessor.

SECTION 7. The number of justices of the peace in said borough, shall not at any time exceed one, unless increased agreeably to the provisions of the fourth section of the act of June twenty-first, one thousand eight hundred and thirty-seven, entitled "An Act providing for the election of aldermen and justices of the peace :"
Provided however, That nothing herein contained shall be construed so as to affect the unexpired commission of any person holding and exercising the office of justice of the peace within the limits of said borough.

SECTION 8. The qualifications of voters in the election of burgess and town council, shall be those required by the act of general assembly, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for incorporation of boroughs ;" and the qualifications of voters in the election of all other

Provisions of
certain act ex-
tended to the bor-
ough of Hartford.

High constable.
Powers.
To give bond.

School directors.

School directors,
duties of.

Assessor.
Inspector.

Justices of the
peace.

Qualification of
voters.

officers provided for by this law, shall be the same as are required in the election of similar officers in the different townships in said county.

Separate election district.

SECTION 9. The said borough shall form a separate election district, and the qualified voters therein shall hereafter hold their general and borough elections at the school house in said borough.

Election.

SECTION 10. The borough elections in said borough, shall be held on the third Friday in March of every year, between the hours of nine o'clock, A. M., and six o'clock, P. M., of said day.

Moneys due to be divided ratably.

SECTION 11. Any indebtedness by West Fallowfield township, for the making and repairing of roads or bridges, and for the support of paupers, and by West Fallowfield school district, shall be paid ratably by the proper authorities of the said township and district, and the borough of Hartford, and any money due or owing to the said township or district, shall be divided ratably between the said township and district and the borough of Hartford.

Taxes.

SECTION 12. It shall be lawful for the town council of said borough, to assess and collect a tax on all single freemen and inmates resident in said borough, to be rated according to the provisions of the act to raise and collect county rates and levies; and the said town council shall further have the power and authority to assess and collect on each and every dog owned in said borough, a tax in amount not exceeding one dollar, and on every bitch, a tax in amount not exceeding three dollars, as they may deem expedient and proper for the use of said corporation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 105.

AN ACT

To incorporate the Newtown and Rocksville turnpike or plank road company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That doctor Phineas Jenks, Mahlon K. Taylor, Joseph Morrison, doctor David Hutchinson, David Cornell, Daniel Y. Harman, Charles Beans, John Webster, Edward Leedom, Lewis Buckman, George W. Cunningham, Cornelius Slack, Jacob Buckman, Amos Smith, Joshua Woolston, Stacey Brown, Henry Wynkoop, Samuel T. Hilborn, Adrain Cornell, junior, David Feaster, Joseph Camm, Robert Trego, Robert Longshore, M. H. Jenks, Edward H. Worstall, S. M. Hough

and John Barnsley of Bucks county, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of the *Style.* "Newtown and Rocksville turnpike or plank road company," to locate *Location.* and construct a turnpike or plank road on the bed of the present public road, known as the New Buck road, or otherwise, as the company may direct, leading from the borough of Newtown to the Buck tavern, in Southampton township, Bucks county, subject to all the provisions *Subject to provisions of certain act.* and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, so far as they are not inconsistent with this and the following sections.

SECTION 2. The capital stock of the said company shall consist of five hundred shares, at twenty-five dollars per share: *Provided,* The *Capital stock.* said company may from time to time, at a meeting of the stockholders called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road, according to the true intent and meaning of this act.

SECTION 3. The said company may commence the construction of their road at any intermediate point: *Provided,* Such commencement *Commencement and completion of road.* shall be made within five years after the passage of this act; and should the said company fail to complete their road within ten years after the same shall have been commenced, then this act shall be null and void, except so far as shall become necessary to settle the affairs of the company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 106.

AN ACT

To extend the limits of the borough of Saltsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the corporate limits of the borough of Saltsburg, in the county of Indiana, be and the same are hereby extended and enlarged so that they will hereafter include within them twelve certain lots of ground, which were laid out by Samuel Keely, and numbered respectively from number one hundred and eighty-seven to number one hundred and ninety-eight in-

clusive, and known as "Keely's addition to the town of Saltsburg;" and the said lots shall hereafter be for all purposes considered as within said borough.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 107.

A N A C T

Extending certain road laws in Susquehanna, Wayne and Wyoming counties; and in relation to paupers in Northampton, Schuylkill and Somerset counties.

Provisions of certain act extended to Auburn and Liberty townships, Susquehanna county, and Washington township, &c.

Relative to paupers in Northampton, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the first, second, third, fourth, fifth, sixth, seventh and eighth sections of the act, entitled "An Act to alter the road laws in the township of Lenox, in the county of Susquehanna, and for other purposes," passed the third day of March, one thousand eight hundred and forty-seven, be and the same is hereby extended to the townships of Auburn and Liberty, in the county of Susquehanna, to the township of Washington, in the county of Wyoming, and to the township of Canaan, in the county of Wayne.*

SECTION 2. That from and after the date hereof, all orders for the relief or support of paupers in the counties of Northampton, Schuylkill and Somerset, which shall be signed only by one justice of the peace of said counties, shall be deemed and taken to be as valid as if the same were signed by two justices of the peace.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 108.

AN ACT

To incorporate the Cawenesque plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Ford, Clarke Slosson, John Ryon, E. D. Wells, John W. Ryon, W. W. Ballard, Hunt Pumroy, Joel Parkhurst, Philip Taylor, James Knox, Eddy Howland, Pardon Damon and Joseph Weaver, or any five of them, be and the same are hereby appointed commissioners to open the books, receive subscriptions, and organize a company by the name, style and title of "The Cawenesque plank road company," to locate and construct a plank road from Knoxville to Lawrenceville, in the county of Tioga, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto, as far as they are not inconsistent with this and the following sections.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. The capital stock of said company shall consist of two thousand shares, of twenty-five dollars per share: *Provided,* Said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.

Capital stock.

SECTION 3. That if the said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company, and pay the debts of the same.

Commencement and completion of road.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 109.

AN ACT

Incorporating the Girard academy, and for extending the limits of Girard borough.

Corporate. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be and is hereby established in the borough of Girard, in the county of Erie, an academy for the education of youth in the learned languages, useful arts and sciences, and general literature, by the name, style and title of "The Girard academy."

Government. SECTION 2. That the said institution shall be under the management, direction and government of a number of trustees, not exceeding nine; and until others shall be elected as hereinafter provided, the trustees of the said academy shall consist of the following persons, to wit: James Miles, Elijah Drury, and Henry Teller, of the township of Girard; and Henry M'Connell, William S. Maynard, John Gulliferd, Miron Hutchinson, Leffert Hart and George H. Cutler, of the borough of Girard; which said nine trustees and their successors, to be elected as hereinafter provided, shall forever be and they are hereby created, established and declared to be one body politic and corporate, with perpetual succession, in deed and in law, by the name, style and title of the "Girard academy;" and by the same name shall be able to sue and be sued, plead and be impleaded in all courts of record, and elsewhere, and shall be competent and capable in law and equity, to take and to hold, to them and to their successors, for the use of said academy, any estate in lands, tenements or hereditaments, goods, chattles, stock, moneys or other effects, of what kind, nature or quality soever, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same, free of taxation: *Provided,* The same do not exceed the yearly value of three thousand dollars; and the same from time to time to grant, bargain, sell, demise, alien, lease, place out at interest or otherwise dispose of, for the use and benefit of said academy, and to receive the rents, profits, income and interest thereof, and to apply the same to the proper use of the said academy; and to erect such buildings as may be necessary, and generally to do all and singular acts, deeds, matters and things which shall be lawful for them to do, for the well-being of the said academy, and the due management thereof.

Style.

Privileges.

Seal. SECTION 3. The said trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon, as they shall think proper, and by and with which all deeds, certificates and acts of said corporation shall pass and be authenticated; and the same seal at their pleasure, may break, alter and device anew.

Annual election of trustees. SECTION 4. The first election of trustees shall take place on the first Monday in January, one thousand eight hundred and fifty-one, at the school house in said borough, and on the same day annually thereafter, at such place as may be appointed by the board of trustees. The election shall commence at the hour of one o'clock in the afternoon, and shall continue until five o'clock, and shall be conducted by two managers to be chosen by a majority of the stockholders present at the time

of commencing said election ; and the stockholders shall be allowed to vote in person or by proxy, and in the ratio of one vote for each share of stock held by him, her or them, or standing in his, her or their names, in the books of the corporation. The votes shall be given by ballot, and each ticket shall be labelled on the outside "trustees of the Girard academy," and shall contain the names of nine persons, stockholders in said corporation ; and those having the highest number of votes shall be the trustees of said academy for the ensuing year, and shall continue in office until their successors are elected. If two or more persons should have an equal number of votes, the managers shall forthwith decide by lot, which of said persons are elected.

SECTION 5. The board of trustees, five of whom shall constitute a quorum, shall annually, at their first meeting after the election, appoint a president and secretary of their own number, and elect a treasurer, who shall be a stockholder ; and in case of the death, resignation or refusal to serve of any trustee or other officer, the trustees in office shall have power to appoint others in their stead until the next election ; and they shall also have power to enact such ordinances and by-laws as may be necessary for the well being and government of said corporation : *Provided*, That no by-law or ordinance shall have any force and effect which shall be repugnant to the constitution and laws of the United States, or of this state ; nor shall any person, either as principal, master, tutor or pupil, be refused admission into said academy on account of his or her belief or persuasion in matters of religion : *Provided*, He demean himself in a sober, orderly manner, and conform to the rules and regulations of the academy.

SECTION 6. The capital stock of said corporation shall be five thousand dollars, divided into shares of twenty-five dollars each ; certificate of which shall be issued to such person or persons who have heretofore subscribed, or may hereafter subscribe, and pay money for the purpose of building an academy in said borough, or to the heirs and legal representatives of such person or persons for every share which he, she or they may have, or shall subscribe for and hold in said corporation, which shall be transferable on the books of the corporation, either in person or by attorney, subject to the payment of any balance due thereon ; and the capital stock of said corporation may be increased to ten thousand dollars, by a vote of the majority of the stockholders, at any annual election.

SECTION 7. The treasurer shall receive and hold all moneys belonging to the corporation, and pay out the same to the order of the board, signed by the president and secretary, or a majority of the trustees ; and he shall keep fair accounts thereof, which shall be audited and settled by the trustees, in the same manner as the accounts of the treasurer of common school districts are now by law audited and settled, and subject in like manner to appeal ; and before entering upon the duties of his office, shall give a bond with one or more sufficient sureties, to be approved by the board of trustees, in a sum equal to double the estimated amount of money to be received by him, conditioned for the faithful discharge of the duties of his office, and the payment of all moneys remaining in his hands at the end of the year to his successor in office ; and the secretary and treasurer may receive such compensation as may be thought reasonable by the board of trustees ; but no other officer shall receive any fee or reward whatever for his services ; and it shall be the duty of the trustees to report annually, at the expiration of their term of office, the condition of the finances and other affairs of said corporation ; which report, together with the books of the corporation, shall be open at all proper times to the examination and in-

Trustees.

Quorum.

Officers.

Provided.

Capital stock.

Transferable.

Treasurer to receive moneys, &c.

Give bond.

spection of all persons interested, who are at such times stockholders in said corporation.

Misnomer.

SECTION 8. No misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to the said corporation: *Provided*, That the intent of the parties shall sufficiently appear in said gift, grant, will, or other writing, whereby any estate or interest in any thing, real or personal, was intended to pass to said corporation.

Limits of Girard
borough, ex-
tended.

SECTION 9. The limits of the borough of Girard, are hereby extended from the eastern boundary thereof, along the south line of the Ridge road eight rods; thence south by a line parallel to the east line of the borough twenty rods; thence west by a line parallel to the Ridge road eight rods, to the line of said borough.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 110.

AN ACT

To supply lost policies of insurance.

Lost policies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever any policy of insurance upon any property, real or personal, granted by any body corporate or politic, shall have been lost or destroyed, such body corporate or politic shall on proof of the loss or destruction of the same, in the manner hereinafter provided, furnish to the person or persons whose policy has been so lost or destroyed, a copy of the same, together with the transfers, which have been approved and recorded on the books of such body corporate, if any, which may have been made by the original, or any subsequent grantee of such policy to the person or persons having the same, at the time of the loss or destruction thereof; the copy so made to be as effectual for the security and indemnification of the person or persons holding the same, as the original, and subject like it to transfer to any person purchasing the property insured.

Proceeding in
case of lost poli-
cies.

SECTION 2. That on the application of any person or persons to the court of common pleas of the county in which the property has been insured, setting forth the loss or destruction of the policy of insurance, on oath or affirmation, together with a description of the property, the amount for which it was insured, the person or persons to whom

granted, if practicable, together with the mesne transfers thereof, the court shall grant a rule on the body corporate or politic which granted such policy of insurance, commanding such body corporate or politic to appear before said court, on a day certain, not less than twenty days from the service of said rule, to show cause why a copy of such policy of insurance should not be supplied, in pursuance of the provisions of the first section of this act; and on the default of such body corporate or politic to appear and show cause why such copy as aforesaid, should not be supplied, the court shall issue a mandate to such body corporate or politic, to furnish such copy in ten days after service of the same; and on the neglect or refusal of such body corporate or politic, to furnish a copy as aforesaid, the court on due proof of the service of such mandate, and the neglect or refusal of such body corporate or politic to furnish such copy, shall direct a judgment to be entered by the prothonotary in favor of the person or persons making the application, against the said body corporate or politic, for the sum for which the said policy of insurance was granted, which said judgment shall stand for the security of the plaintiff or plaintiffs, for such time as the policy of insurance itself would have done, and for the like purposes; and the costs of the proceedings shall be paid by the defendant; and the officers rendering services, shall receive the like fees as are now allowed by law for similar services.

SECTION 3. The rule and mandate to be issued under the provisions of the preceding section, shall be directed to the sheriff of the city or county in which the body politic or corporate has its office, or any branch or agency thereof, and the service shall be sufficient, if made upon the president, secretary, treasurer, or authorized agent thereof: *Further provisions.*
Provided, That no rule shall be entertained by the court such as is authorized by the second section of this act, unless the person or persons entitled to the benefit of the policy, his agent or attorney, shall make oath or affirmation, that the policy of insurance has been lost or destroyed, and that a demand for a copy of such policy was previously made of the president, secretary, treasurer, or authorized agent of the body corporate or politic which granted it, and a tender of not less than one dollar for the expenses of making such copy.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 111.

AN ACT

Relative to the courts in Blair county.

Certain writs served by the sheriff of Blair county, made valid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all writs served by the sheriff of Blair county, returnable to July term, one thousand eight hundred and forty-nine, be and the same are hereby rendered as valid and binding to all intents and purposes, as though the regular return day of said term had not been changed from the fourth to the third Mondays of July, in each year, subsequent to the commencement of said term, and as though all writs in said county had been made returnable on the third Monday of July, in said year.

July term, Blair county, changed.

SECTION 2. That the time of holding the July term of the several courts in the said county of Blair, be and the same is hereby changed from the third Monday in July to the third Monday in June; and that hereafter, the several courts of said county, at each term thereof, shall continue for two weeks if necessary.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 112.

AN ACT

Relating to the common schools in the borough of Norristown, in the county of Montgomery.

School districts in Norristown, relative to.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the act of assembly passed April seventh, one thousand eight hundred and forty-nine, entitled “An Act for the regulation and continuance of a system of education by common schools,” which directs that each ward shall constitute and be a school district, shall not be construed to apply to the borough of Norristown, but the said bor-

ough shall be and continue one school district, as it was prior to the passage of said act; and so much of said act of assembly as limits the continuance of the public schools to a period not exceeding ten months in one year, shall not be construed to apply to the said district, but the directors thereof may keep the schools in operation as much longer as they may deem proper.

SECTION 2. The directors of said district may, if they shall think proper, supply the schools in the district with the books and stationery that may be required in the same. Books and stationery.

SECTION 3. The directors of said district shall have power to mortgage any real estate that they do or shall own, as security for the payment of any money they may borrow to pay for any land purchased, or to be purchased, for the purpose of erecting a school house or school houses thereon, or for the purpose of defraying the expense of erecting any school house and putting fixtures therein, or paying the expense already incurred in erecting any school house and putting in fixtures, and improving the grounds of the same. The mortgages, with the accompanying bonds thus authorized to be given, shall be executed by the directors or a majority of them signing and sealing the same, and acknowledging the mortgages as the act and deed of the directors; and any mortgage thus given, shall bind the property embraced in the same, as fully as a mortgage of an individual will bind his real estate. Any bond executed as aforesaid, shall be a debt against the district until paid. Mortgage real estate, &c.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 113.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to incorporate the Beaver Meadow railroad and coal company."

WHEREAS, The railroad constructed by the corporation, called the president and directors of the Beaver Meadow railroad and coal company, under and by virtue of a certain act of the legislature of this commonwealth, passed the seventh day of April, in the year one thousand eight hundred and thirty, entitled "An Act to incorporate the Beaver Meadow railroad and coal company," and the several supplements thereto, was constructed and laid with flat bar iron; and experience has shown that a railroad so constructed cannot be profitably used, but that the same ought to be laid with a species of iron rails, commonly designated as H rails:

Preamble.

And whereas, At a meeting of the stockholders of the said corporation, duly called according to the provisions of its charter, held on the twelfth day of November, one thousand eight hundred and forty-nine, it was resolved, that the directors of the Beaver Meadow railroad and coal company, are hereby authorized and requested to apply to the legislature of this state, at the next session thereof, to authorize and confirm the issue by this company, of not exceeding two thousand five hundred shares of preferred stock, at fifty dollars per share, and to authorize dividends to be declared on the same, to the amount of ten per cent. per annum, before any dividend shall be made on the other stock of the company, the proceeds of the sale of the preferred stock, to be applied solely to the replacing of flat bar on their railroad, with a substantial H iron rail, and if there be any excess, to such other necessary improvements as their said railroad and its appurtenances shall require:

And whereas, The said board of directors have presented a memorial in pursuance of said resolution, requesting such legislative action; now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the corporation, known as the president and directors of the Beaver Meadow railroad and coal company, *chartered* by a certain act of the legislature of this commonwealth, passed the seventh day of April, in the year one thousand eight hundred and thirty, entitled "An Act to incorporate the Beaver Meadow railroad and coal company," be and they are hereby authorized to issue, in addition to the stock which has already been issued, under the provisions of its existing charter, two thousand five hundred shares of stock, each share to represent and to entitle the holder thereof, to fifty dollars in the capital stock of said company; and the said corporation may sell and dispose of the said additional stock, or any part of it, in the market, for the best price that can be gotten for the same; and the said additional stock so issued shall be entitled to a preference over all the other stock of the said company, in every future dividend of profits which may be declared by the said company, until the holders of such additional stock shall have been paid from the funds applicable to the payment of such dividend, ten per cent. per annum, on the amount of the capital stock of the company represented by said shares of additional stock so held by them respectively; and the holders of the other stock of the company shall not be entitled to participate in any future dividend of the profits of the company, until the holders of said additional stock shall have been first paid from the funds applicable to such dividend, ten per cent. per annum, on the amount of the capital stock of the company represented by the said additional shares so held by them respectively: *Provided,* That nothing herein contained shall be construed to give the holders of said additional stock, any preference over the creditors of said corporation in respect to their said stock, whether the debts due to such creditors have been already, or may hereafter be contracted: *And provided,* That the proceeds of the sale of such additional stock, shall be applied to the re-laying of said railroad with substantial H iron rails, or with some other rails of equal worth and quality; but should there be any excess of the proceeds of the sales of said stock, over and beyond what may be required for the purpose aforesaid, the said corporation shall apply such excess to other necessary improvements of their railroad and its appurtenances; nothing, however, in this proviso contained, shall be construed to make the purchasers of said additional stock in anywise responsible for the application of the proceeds of the

Authorized to issue additional stock.

Proviso.

sales of said additional stock to the purpose aforesaid; the exercise of the powers and privileges hereby granted, shall be by the board of directors of said company, who shall by resolution or resolutions provide, when and in what manner said stock shall issue, and in what manner the same shall be sold and disposed of: *And provided further,* That nothing herein contained shall be construed to impair the legal liability of said company, on account of any existing contracts heretofore entered into by said company, with any person or persons for the transportation of coal and other commodities over the railway of said company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 114.

AN ACT

To incorporate the Frankford and Oxford turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Michael Knorr, John B. Winder, Jacob B. Foulkrod, Hugh Brady, George S. Adler, George Bickley, Richard Williams, Alfred Comly, James Deverux, John Foulkrod, William Overington, Peter Castor, William Baldwin, Miers Livezey, John T. Haines, Joseph Deal, Henry W. Ditman, Leonard Shallcross, Jacob Smith, Jonathan L. Blake, Isaac Shallcross, Lewis Emery, Thomas Rowland, John Waxler and William Levick, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The president and managers of the Frankford and Oxford turnpike road company," with power to construct a turnpike road, commencing at the junction of the Oxford or Middle road with the Frankford and Bristol turnpike road, in the borough of Frankford; thence in, over and upon the bed of the present road, by Oxford church, to where the Kensington and Oxford turnpike road intersects said Oxford or Middle road, in Lower Dublin township, Philadelphia county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, except in the amount of tolls to be charged on said road, which shall be as hereinafter provided.

Commissioners.
Subscription.
Subject to provisions of certain act.

Capital stock. SECTION 2. That the capital stock of said company shall consist of five hundred shares, at twenty-five dollars each: *Provided*, said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be necessary, in their opinion, to carry out the true intent and meaning of this act.

Tolls. SECTION 3. That the said president and managers of the said turnpike road company are hereby authorized to charge and collect for every mile in length of said road, when completed and licensed according to law, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of hogs, sheep or cattle, to wit: for every score of hogs, one cent; for every score of sheep, one cent; for every score of cattle, two cents; for every horse and his rider, or led horse, one cent; for every sulky, chair, chaise, coach, coachee, wagon, train, sleigh, sled, or any carriage of pleasure or burden, under whatever name it may go, one cent per mile for each horse drawing the same: *Provided*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to and returning therefrom.

Restrictions. SECTION 4. That the said president and managers of the said turnpike road company are hereby prohibited from erecting or fixing any turnpike gate upon or across the said road, within the bounds of the borough of Frankford.

Commencement and completion of road. SECTION 5. That if the said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within four years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 115.

AN ACT

To incorporate the Saegertown academy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That there shall be and is hereby established in the borough of Saegertown, in the county of Crawford, an academy or public school for the education of youth in the English, Latin and other languages, and in the use-*

ful arts, sciences and literature, by the name, style and title of "The Saegertown academy," under the care and direction of five trustees, who, and their successors in office, shall be and are hereby declared to be one body politic and corporate in deed and in law, by the name, style and title of "The Saegertown academy;" and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and equity, and shall be capable in law and equity, to take, hold and purchase, for the use of said academy, lands, goods, chattles, moneys of any kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever, capable of making the same; and the same from time to time to sell, convey, mortgage or dispose of, for the use of said academy, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which may be lawful for them to do for the well-being of the academy, and the due management and ordering of the affairs thereof.

SECTION 2. That until trustees for said academy shall be elected in the manner herein provided, Edward Saeger, John M'Closkey, James Goe, John Allee and Tobias Grubb shall be and are hereby authorized to serve as trustees for said academy.

SECTION 3. That an election of trustees shall take place on the first Monday of January, in each year, to be held in the principal buildings belonging to said corporation. Said election shall commence at three o'clock P. M., and continue until five o'clock P. M., which election shall be conducted by two managers appointed by the trustees then acting as such. No person shall be allowed to vote for trustees unless he be a shareholder in the property and effects of said corporation to the amount of at least one share.

SECTION 4. The board of trustees shall have power to fill vacancies; to appoint their president, who shall be one of the trustees; they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States or the constitution and laws of this commonwealth. Three of said trustees shall constitute a quorum, who may, in the absence of the president, appoint a president pro tempore. Said trustees shall be authorized to receive subscriptions in sums of any amount, for the purpose of purchasing the real estate, books, philosophical apparatus and other property necessary for the affairs of said corporation, and to give to such subscriber, provided he subscribe to the amount of ten dollars, a certificate under seal of said corporation, which certificate shall constitute the holder thereof a shareholder. Said trustees may, if they deem it expedient, lease and hire out the real and personal effects of said corporation to a competent teacher or teachers, and receive and collect rent and compensation for the use of such real and personal estate; and the same to divide ratable among the shareholders, after first deducting all necessary charges and expenses for repairs, taxes, and the due management of the affairs of said academy.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 116.

A SUPPLEMENT

To an act incorporating the Washington hall association of the borough and county of York.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any stockholder of the Washington hall association, of the borough and county aforesaid, or his or her assignee, shall neglect or refuse to pay any proportion or instalment of the capital stock of said association, for which he or she may have subscribed, or become the owner, for a longer period than ninety days after the same has become due, such share or shares of said capital stock, shall be forfeited to the said association, with all the instalments that may have been paid thereon; and the trustees of said association may sell the share or shares so forfeited, to any person or persons willing to purchase the same, or at their option, may bring suit before any justice of the peace of the proper county for recovery of the unpaid instalment, with interest from the time the same became due: *Provided,* That no share of stock shall be forfeited as aforesaid, until twenty days' notice be given to the owners, by advertisement in one or more newspapers of the borough or county of York, for three successive weeks, of the time and place appointed for the payment of the instalment, and that the same will be forfeited to the said association if not paid.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 117.

AN ACT

To authorize the administrators of George W. Williams, late of Luzerne county, deceased, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

James Williams and John Carey, administrators of George W. Williams, late of the county of Luzerne, deceased, be and they are hereby authorized to sell either at public or private sale, and to convey in fee simple, all the right, title and interest of the said George W. Williams, deceased, at the time of his death, of, in and to two certain pieces and parcels of land lying and being in the township of Wilkesbarre, in said county, described as follows: one of said pieces being all that part of lot number forty-four, in the first division of lands in said township, lying between the main road leading to Pittston from Wilkesbarre, and the Susquehanna river, containing about thirty acres; the other piece or parcel of land lying on said main road, and bounded by said road on the north-west by lands of John Abbott, on the south-west by lands of Robert Miner's estate, on the south-east and on the north-east by lands of the James Williams and Benjamin Bailey, containing ten acres; and to make and execute to the purchaser or purchasers of the same, good and sufficient conveyances and assurances in the law for the same, which said conveyances and assurances shall vest in such purchaser or purchasers, all the estate, right, title and interest in law and equity, which the said George W. Williams, at the time of his death, had and held in the same: *Provided*, That before any deed or conveyance shall be executed for the same, the said administrators shall report the sale to the orphans' court of Luzerne county, for their approbation and confirmation: *And provided further*, That the said sales shall not be approved and confirmed, until said administrators shall have filed with the clerk of said court, a bond with sufficient surety, to be approved of by said court, conditioned for the faithful appropriation of the proceeds of such sale in such manner as said court shall direct.

Administrators of George W. Williams, deceased, authorized to sell certain real estate.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 118.

A SUPPLEMENT

To an act, entitled "An Act relative to the organization of the courts of justice," passed tenth of April, eighteen hundred and forty-nine.

Time of holding
courts in Venan-
go county,
changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time for holding the April term of the several courts of Venango county, is hereby so changed, as that the same shall hereafter be held on the fourth Monday of May in each year; and all recognizances, venires, process, writs, orders and decrees, and other proceedings in said court, returnable to the third Monday in April next, be and the same are hereby extended and made returnable to the said fourth Monday of May next; and so much of any law as is hereby altered, be and the same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 119.

AN ACT

To authorize the board of school directors of the school district of Jackson township, Lebanon county, to borrow money; and relative to a school district in Indiana county.

School directors
of Jackson town-
ship, Lebanon
county, author-
ized to borrow
money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the board of school directors of Jackson township school district, in Lebanon county, be and they are hereby authorized and empowered to borrow any sum or sums of money, not exceeding in the whole seven hundred dollars, which they may deem necessary, at any rate of interest not exceeding six per cent. per annum, for the payment of the debts of the said school district, and for the improvement of the school houses of the said school district, and the grounds attached to the same; and it shall and may be lawful for the board of directors of said school dis-

strict, to secure the money so borrowed by bond of said directors, and mortgage upon real estate of said school district or otherwise, as the said directors may direct.

SECTION 2. That the said board of school directors and their successors in office, are hereby authorized and empowered to lay an increased taxation each and every year, as long as it may be necessary, over and above the limit of taxation for school purposes, fixed by the present or any subsequent law, so as to raise the sum of two hundred dollars, to be specially pledged for the payment of the interest on said loan, and to provide a sinking fund for its eventual liquidation. May increase taxes.

SECTION 3. That the fourth section of the act of the general assembly, entitled "An Act to enable religious societies to purchase and hold real estate, and for other purposes," passed the twenty-second day of April, one thousand eight hundred and forty-one, which relates to the school districts in the county of Indiana, be and the same is hereby repealed, except so far as the same operates on the farm of Matthias Romback, therein mentioned. Indiana county, repeal of certain act relative to.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 120.

A N A C T

Providing for the erection of a lock-up house in Monongahela City, Washington county; and relating to the female seminary in the borough of Cannonsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Monongahela City, in the county of Washington, be and they are hereby authorized and empowered to have built or otherwise provided and supported in said borough, at the expense thereof, a suitable building for the security and detention of any person or persons committed by any justice of the peace of said borough or vicinity, or by the burgess of said borough or member of the council acting in his place, for any violations of the laws of this commonwealth, or of the ordinances of said borough: *Provided,* That no person be confined longer than thirty-six hours, except such person or persons be charged with an indictable offence, and it may be necessary to detain him or her for examination. To provide for a lock-up house.

SECTION 2. That the expense of arresting, binding over or committing, and keeping any such person or persons in said lock-up house, or paid. Expenses, how

conveying him, her or them to the common jail of the county aforesaid, on any indictable offence, shall be paid by the county of Washington, on the presentation of proper accounts of the same, to the commissioners of said county.

Female seminary
Cannonsburg,
exempt from
taxation.

SECTION 3. That from and after the passage of this act, the Olome Institute, female seminary, in the borough of Cannonsburg, county of Washington, be and is hereby exempt from all taxation, except for state purposes, so long as the same is occupied for school purposes.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 121.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the Blair County mutual fire insurance company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the organization of the Blair County mutual fire insurance company, is hereby declared to be as valid and effectual, to all intents and purposes, as if the said company had been organized within the time and in the manner, in every particular, prescribed by the act authorizing the incorporation of said company, passed the eighth day of April, one thousand eight hundred and forty-eight, authorizing the incorporation of said company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 122.

A N A C T

Authorizing the qualified voters of Roxborough township, Philadelphia county, to elect three commissioners to take charge of the public highways in said township; and to divide the Sixth ward, Spring Garden, into two election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That on the third Friday of March instant, the qualified voters of the township of Roxborough, shall elect three commissioners, whose duty it shall be to take charge of the public highways of said ward; the commissioners of said township so elected, shall meet on the first Monday of April next ensuing, at three o'clock, P. M., at the place of holding the election of said ward, and divide themselves by lot into three classes, one to serve one year, one to serve two years, and one to serve three years; and the voters shall annually thereafter, at the election held on the third Friday of March, elect one commissioner to serve three years; the commissioners so elected, shall have power to fill any vacancies that may occur in the board, until the succeeding election in March, when such vacancy shall be filled by the qualified voters. Commissioners.
Duties.
Classification.

SECTION 2. The commissioners shall have all the powers now granted to the supervisor, and shall be subject to like penalties for neglect of duty; they shall place all roads or highways out under contract to the lowest and best bidder, in such manner as a majority of them may deem most advisable, giving at least ten days' public notice, either by advertisements or hand-bills posted in at least ten of the most public places in the township: *Provided,* Nothing herein contained shall be construed to authorize the commissioners to employ day-laborers to repair the roads. Powers.

SECTION 3. The commissioners shall meet annually, on the first Monday in April, and then elect one of their number president, and one other of their body secretary and treasurer, who shall give good security, to be approved by one of the justices of the peace of said township, in double the amount of the duplicate received by him, and for collecting and disbursing the same, shall receive a commission of five per cent. on all moneys received; all money drawn from the treasury shall be by orders signed by all the commissioners. Annual meeting.

SECTION 4. The commissioners shall, for their services in attending to and in seeing that the roads and bridges are in order, and the contracts fully complied with, receive like compensation as supervisors are now allowed by law: *Provided,* That no commissioner shall for such services receive more than fifteen dollars in any one year. Compensation.

SECTION 5. All acts authorizing an election of supervisor for said township, be and the same is hereby repealed. Repeal.

SECTION 6. That from and after the passage of this act, for all general, special and ward elections, the Sixth ward, Spring Garden, shall be divided into two election precincts, to be bounded and described as follows: from the north side of Vine street to the south side of Hunter street, and from Broad street to Schuylkill Fourth street, shall be the first precinct; and from the north side of Hunter street, to the northern Sixth ward,
Spring Garden
divided into two
election precincts.

boundary of said district, and from Broad to Schuylkill Fourth street, shall be the second precinct.

Place of holding elections.

SECTION 7. That all general, special and ward elections, shall be held at the following places, to wit: that the qualified voters of the first precinct, shall hold their elections at the public house now occupied by Col. Henry Young, at the south-east corner of Schuylkill Eighth and Callowhill streets; and that the qualified voters of the second precinct, shall hold their elections at the house now occupied by William H. Engard, south-east corner of Ridge road, Schuylkill Seventh and Parrish streets; and the qualified voters of each of said precincts, shall hereafter elect one judge and two inspectors, at the same time and in the same manner as judges and inspectors are now elected.

Officers of elections.

SECTION 8. That for the purpose of conducting the election on the third Friday of March instant, the present judge and inspectors of the Sixth ward, shall be judge and inspector of the first precinct of said ward, and that the present judge, shall appoint a judge for the second precinct, and that each of the present inspectors of said ward, shall appoint an inspector for the second precinct.

Duty of county commissioners.

SECTION 9. That it shall be the duty of the commissioners of the county of Philadelphia, to furnish to the additional judges and inspectors, to be appointed under this act, ballot-boxes, blank forms and lists of taxables, as are now furnished to judges and inspectors of elections within the said district; and to pay the said additional judges, inspectors and clerks the same compensation as to other election officers.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 123.

AN ACT

To incorporate the Philadelphia and New York steam transportation company.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That R. F. Loper, William M. Baird, William H. Loper, William H. Thomson and Nathaniel Briggs, and such other persons as may hereafter associate with them, their successors and assigns, be and they are hereby created and made a body politic and corporate, by the name, style and title of "The Philadelphia and New York steam transportation company," for the conveyance of merchandize and passengers between Philadelphia, New York, Connecticut, and intermediate points.

Style.

SECTION 2. The capital stock of said company shall be divided into shares of one hundred dollars each, and shall consist of twelve hundred and fifty shares, with the privilege of increasing the same to seventeen hundred and fifty; and the persons holding the said stock, shall be entitled to one vote for each share of stock held by them: *Provided*, That said company shall not purchase or become the owners of land upon the river Delaware, exceeding one hundred feet in front. Capital stock.

SECTION 3. The said company shall have all the powers, and be subject to all the restrictions contained in the third, fourth, sixth, seventh, eighth, ninth and tenth sections of an act, entitled "An Act to incorporate the Merchants' and People's transportation company," passed the seventeenth day of March, one thousand eight hundred and forty-seven, and the fifth and seventh sections of an act, entitled "An Act to incorporate the Philadelphia and Atlantic steam navigation company," passed February fourteenth, eighteen hundred and forty-eight: *Provided*. That nothing in this act shall be so construed as to authorize said company to receive or land freight or passengers from Philadelphia, at any point on the river Delaware or Delaware bay, or Schuylkill river, above or below the city or incorporated districts of Philadelphia, or to carry freight or passengers from any point on the Delaware river or bay, or Schuylkill river, to Philadelphia: *And provided*, That no transfer of stock shall be valid that takes place after the debts of said company shall exceed in amount one-half the capital actually paid in. Subject to the provisions of certain act.

SECTION 4. The president and directors shall, from time to time, declare dividends of the profits realized, if any, by the company, or so much thereof as a majority shall deem expedient: *Provided*, That no part of the capital stock shall be withdrawn or refunded to the stockholders, or dividends declared which will impair their capital, until after all debts and liabilities of the company shall have been paid; and in case of any violation of the provisions of this section, the stockholders shall be personally liable in their own estates, jointly and severally, for all debts previously contracted and due by said company, to be recovered by action of debt or assumpsit, as debts of like amount are recoverable. Dividends.
Proviso.

SECTION 5. That the legislature hereby reserves the right to alter, amend or repeal this act, in such manner, however, as to do no injustice to the corporators. Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 124.

AN ACT

To erect a new township, school and election district in the county of Berks, to be called Perry township; erecting the village of Mount Morris into a separate school district; and authorizing the commissioners of Carbon county to borrow money.

Part of Windsor township, Berks county, erected into a separate school and election district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the township of Windsor, in the county of Berks, as lies south of a line commencing at a certain point on Schuylkill river, designated by a post on land of George Hughes; thence including the farm buildings of George Hughes, the Zion's church, et cetera, north eighty-seven and a half degrees one thousand seven hundred and seventy-six perches, to a double hickory tree on the banks of the Maiden creek stream, on land of Jacob Heinly, be and the same is hereby erected into a new and separate township, school and election district, to be called Perry township. The qualified voters of said township shall hold their general and township elections at the house of Jacob Boyer, in Shoemakersville, in said township, and Benjamin Gordner is hereby appointed judge, and John Snyder and John H. Mohr inspectors, to hold the first township election on the third Friday in March next; then and thenceforth the qualified voters of said township shall elect such township officers, and at such time as now provided for by law in other townships in said county: *Provided,* That copies of this section shall be put up in at least twelve of the most public places in the new township so erected, and at the place of holding the township elections in Windsor township, at least six days before the third Friday of March instant.

Proviso.

Village of Mount Morris, Greene county, erected into a separate school district.

SECTION 2. That the village of Mount Morris, in the county of Greene, including such portions of the vicinity of said village as are included in sub-district number one, Perry district, and county aforesaid, is hereby erected and created into a new and separate common school district, and as such shall be entitled to all offices, rights, powers and privileges allowed by law to other common school districts, and the election thereof shall be held at the same place with the township election of said village; and the electors of said district shall, at their next election, elect six school directors thereof, two to serve one year, two to serve two years, and two to serve three years. Said election to be conducted by the same officers who conduct said township election; and the successors of the said directors shall be elected in manner directed by law as to other school directors, &c.

Commissioners of Carbon county authorized to borrow money.

SECTION 3. That the county commissioners of Carbon county, be and are hereby authorized to borrow any amount of money, not exceeding six thousand dollars, for the purpose of re-building their public buildings, lately destroyed by fire.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 125.

AN ACT

In relation to the debts of Cascade township, Lycoming county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all moneys in the hands of the treasurer of the county of Lycoming, at the time of the passage of this act, due or belonging to the township of Cascade, in said county, as well as all moneys hereafter received by said treasurer, accruing from road taxes heretofore or hereafter assessed upon the unseated lands, located in said township of Cascade, shall by said county treasurer within twenty days after said taxes, or any portion thereof, shall have been received by him, be appropriated and paid over to the judgment creditors of said township, according to the priority of said judgments, as entered upon the records of the common pleas of said county: *Provided,* That said treasurer shall make said payments according to the laws of this commonwealth, regulating the distribution of proceeds of real estate arising from sheriff sales among lien creditors: *And provided,* That if any adverse claimant or claimants to said money, or any portion thereof, shall within said twenty days, file an affidavit with said treasurer and one with the prothonotary of said county, alleging that his judgment or judgments is or are just, and that he verily believes himself entitled to said money, or any part thereof, also setting forth the amount thereof, said treasurer shall pay the same, or so much thereof as may be set forth in said affidavit, into the court of common pleas of said county, to be by said court distributed according to law as aforesaid: *Provided further,* That the taxes hereafter assessed on the unseated lands in said township, shall not be less than fifty cents on the hundred dollars upon the assessed valuation thereof, until all said judgments, with costs thereon due by said township, shall have been paid.

Certain moneys in the hands of the treasurer of Lycoming county, to be paid over to judgment creditors of Cascade township, &c.

Proviso.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 126.

AN ACT

To incorporate the Greensburg and Mount Pleasant turnpike and plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Hugh Y. Brady, Robert Hitchman, Samuel Kuhns, Abraham Overholt, senior, John Kuhns, Joseph Lippencott, Jacob Welty, Jacob Brinker, John Armstrong, junior, Daniel Shupe, James C. Clark, Jacob Lobengier, David K. Marchand, John Lloyd, Jehu Taylor, Adam Fisher, Alexander Miller, John Giffen and David Fullwood, of Westmoreland county, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Greensburg and Mount Pleasant turnpike and plank road company," with power to construct a turnpike or plank road, or a road part turnpike and part plank, from Greensburg, in Westmoreland county, to Mount Pleasant, in said county, by such route as may be agreed upon and adopted by the stockholders, or a majority of them, at a meeting to be called for that purpose, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement to said act, approved the seventh day of April, one thousand eight hundred and forty-nine.

SECTION 2. That the capital stock of said company shall consist of one thousand five hundred shares, at twenty dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

Commencement and completion of road.

No. 127.

AN ACT

To authorize the burgess and town council of the borough of West Newton, in the county of Westmoreland, to provide a lock-up house; and relative to the high constable of Mauch Chunk.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of West Newton, in the county of Westmoreland, be and they are hereby authorized and empowered to have built, or otherwise provided or supported in said borough, at the expense thereof, a suitable building for the security and temporary detention of any person or persons committed by a justice of the peace of said borough, or the said burgess of the said borough, for any violation of the laws of this commonwealth, or of the ordinance or ordinances of the borough aforesaid, for which such persons could lawfully be committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law: *Provided,* That no person or persons shall be confined in said lock-up house at any one time, for a longer period than twenty-four hours, except such person or persons charged with an indictable offence, and it may be necessary to detain him or them for a legal examination.

SECTION 2. That the expenses of committing and keeping any person in said house or place on a charge of any indictable offence, shall be paid by the said county of Westmoreland, on the presentation of proper accounts of the same, to the commissioners of said county; and for all offences against the ordinances of said borough, the expenses thereof shall be borne by the said borough of West Newton.

SECTION 3. That the high constable of the borough of Mauch Chunk, in the county of Carbon, who is now or may hereafter be elected for said borough, shall be sworn in and qualified in court, as other constables of said county; and shall have all and singular the powers, and be subject to the provisions of law relating to other constables of this commonwealth.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 128.

AN ACT

Authorizing the committee of William Streeper to sell and convey certain real estate.

Preamble.

WHEREAS, It hath been represented by John Hobensack, committee of the person and estate of William Streeper, an habitual drunkard, that the said William Streeper, and Ann Hobensack and Mary Ann Hallman hold, together and undivided, the title to the lands, tenements and hereditaments hereinafter mentioned, in unequal parts; that the property is in a state of dilapidation and decay, and requires a much greater expenditure of money to keep it in tenantable order and repair than the said William can raise, and the other tenants in common decline making any advancements for said purposes; that it is believed it will be of more advantage to all the parties interested, to have the said lands sold and the money invested, but from the inability of the said William Streeper to convey his interest, it cannot be done; therefore for remedy thereof,

John Hobensack,
committee of the
estate of William
Streeper, authorized to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the said John Hobensack, committee of the estate of the said William Streeper, who hath been duly declared an habitual drunkard, in the court of common pleas of Philadelphia county, or such person as for the time being may be the committee, be and he is hereby authorized and empowered to sell, either at public or private sale, at such price or prices as he may deem expedient and most conducive to the interest of the said William Streeper, all his right, title and interest of, in and to, all those two contiguous tracts or pieces of land situate in Germantown township, in the county of Philadelphia, in the state of Pennsylvania, bounded as follows, to wit: Number one, beginning at a stone set for a corner of this and land of John and George Streeper; thence by the same south-west sixty-eight perches, to a stone set for a corner in a line of Christopher Yeakle's land; thence partly by the same and partly by land of John Huston, north fifty-two degrees and ten minutes west seventy-five perches and four-tenths, to a hole bored in a rock, in the late John Paul's mill road; thence along the same, dividing this from land of the said John Huston, the three next following courses and distances, to wit: North seventy-one degrees and forty-five minutes east twenty-three perches and one-tenth to a stone north twenty-six degrees and fifteen minutes east eighteen perches and eight-tenths to a stone, and north forty degrees and fifteen minutes east thirty-four perches and eight-tenths, to a stone set for a corner in a line of Springfield township; thence along the said township line south fifty-two degrees ten minutes east thirty-six perches and eight-tenths to a stone set for a corner on the north-easterly side of the Germantown Great road, in a place that a hickory tree formerly stood, it being also a corner of Philip Peterman's land; thence by the same, south forty-four degrees and fifteen minutes east twenty-two perches sixth-tenths and a half, to a stone set for a corner of this and land late of Frederick Knapp; thence by the same, south forty-one degrees and fifteen minutes east eleven perches and

four tenths, more or less, to the place of beginning; containing thirty-one acres, two quarters and thirty-four perches of land, be the same more or less, with the messuage or tenement thereon erected, excepting the water right and privileges, and granted to John Huston, his heirs and assigns. Number two, all that certain lot or piece of ground situate in Germantown township aforesaid, adjoining the above, beginning at a stake set for a corner on the north-easterly side of the Great road leading to Germantown, it being also a corner of land now or late of William Stuart; thence north-west three perches and nine inches to a stone set for a corner; thence by land of John Kirper, north forty-one degrees and fifteen minutes west six perches and eight-tenths to a stone; thence by land belonging to the estate of John Streeper, deceased, south forty-three degrees and forty-five minutes west sixty-eight perches to a stone set for a corner; thence by land of Christopher Yeakle, junior, south forty-nine degrees and forty-five minutes east nine perches and one-tenth to another stone; thence by the said William Stewart's land, north forty-three degrees and forty five minutes east sixty-five perches and four-tenths to the place of beginning, containing four acres, be the same more or less, together with the appurtenances and privileges, and subject to the conditions and reservations to the two pieces of land respectively belonging in fee simple; such sale or sales to vest all the title therein belonging to the said William Streeper; and the said committee is hereby authorized to make title, by deed, to the purchaser or purchasers: *Provided*, That upon such sale, by virtue of this act, the said committee shall give security to the satisfaction of the proper court, having jurisdiction over his accounts, for the faithful application of the proceeds of said sale according to law, which shall be a full and complete discharge of the liability of the purchaser, to see to the application of the purchase money, to be applied and invested for the use and benefit of the said William Streeper.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 129.

A SUPPLEMENT

To the acts of assembly incorporating the Doylestown and Willow Grove turnpike road company, and the Doylestown and Danborough turnpike road company.

Doylestown and Willow Grove turnpike road company, or the Doylestown and Danborough turnpike company, authorized to make a certain road.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Doylestown and Willow Grove turnpike road company, and the Doylestown and Danborough turnpike company, or either of them, be and they are hereby authorized to make and construct a turnpike road through the borough of Doylestown, in the county of Bucks, from the termination of the Doylestown and Willow Grove turnpike road at the southern line, to the commencement of the Doylestown and Danborough turnpike road at the northern line of the said borough, or such portions thereof as may be agreed upon by either of the said companies, by and with the consent and concurrence of the chief burgess and town council of the said borough; and that in the extension and construction of the said turnpike road, or such portion thereof as may be agreed upon as aforesaid, the said companies, or either of them, shall have all the authority and be governed by all the provisions and restrictions in their, or either of their original charters of incorporation, and of all such supplements thereto as have been subsequently enacted, in the manner of constructing and making the said turnpike road, or the amount of tolls to be charged and collected for traveling along and using the same: *Provided,* That nothing herein contained shall permit or allow the said companies, or either of them, to make any alteration in the width or grade of the street over and along which the said turnpike may pass, as the same is now established, without the consent and concurrence of the chief burgess and town council of the said borough, and with the further provision that no turnpike gate for the reception of tolls, shall at any time be erected within the limits of the said borough.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 130.

AN ACT

Authorizing Samuel Gailey to sell certain real estate.

WHEREAS, James Gailey, late of the county of Indiana, in and by his last will and testament, duly proved on the twenty-eighth day of September, Anno Domini, one thousand eight hundred and thirty-five, and remaining on record in the office of the register of wills, et cetera, in and for the county of Indiana, did will and devise inter alia as follows: "I will to my son Samuel Gailey, fifty-three acres (of land) as divided off to him during his natural life, then to descend to his children, their heirs and assigns:"

And whereas, The means of the said Samuel Gailey, have become inadequate to support his family on so small a tract of land, and keep said land in good order, and it is alleged that it would be much to the advantage of said children, to sell said tract of land and vest the proceeds in a larger tract of land, so that it may be improved by said children and heirs:

And whereas, The said Samuel Gailey and children, (two of whom are of age,) are desirous that the said property should be sold, and the proceeds vested as aforesaid, and to descend as directed in and by said will; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Gailey aforesaid, be and he is hereby authorized and empowered to grant, bargain, sell and dispose of the said tract of land to the best advantage, at public or private sale, and to make, execute and deliver good and sufficient deed or deeds to the purchaser or purchasers thereof, in fee simple, freed from any and every estate, trust, contingency, limitation or restriction created under, or by the will aforesaid; which said deed or deeds shall vest in the purchaser or purchasers, a title as valid as was in the said James Gailey in his life time: *Provided,* That the said Samuel Gailey before he shall execute said deed or deeds, or receive any of the proceeds of such sale, shall give sufficient surety for the faithful application or investment of all the money or proceeds arising from such sale, after paying all expenses of sale, to be approved of by the orphans' court of Indiana county.

Samuel Gailey
authorized to dis-
pose of certain
real estate.

Provido.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST.

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 131.

AN ACT

To authorize the sale of the real estate of Peter Yenner, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Solomon Oswald, executor of the last will and testament of Peter Yenner, late of the borough of York, in the county of York, and state of Pennsylvania, be and he is hereby authorized and empowered to make sale, either at public or private sale, of the real estate of said deceased, situate in the said county of York, consisting of about one-eighth part of a lot of ground, with the buildings thereon erected; and to apply out of the purchase money, any portion thereof, not exceeding six hundred dollars, to the purchase of some suitable habitation for the use and occupancy of Louisa Yenner, widow of said testator, during her life, with remainder to the devisees of the reversion mentioned in the said will, and their heirs; the deed or title for the property so purchased, to be to the said Solomon Oswald as trustee, and for the uses aforesaid.

Executor of
Peter Yenner,
deceased, au-
thorized to sell
certain real es-
tate.

Residue of pur-
chase money,
how to be invest-
ed.

SECTION 2. All the rest and residue of the purchase money of the said real estate, shall be invested at interest secured by mortgage on the real estate so sold, or some other ample and adequate real estate security; the interest thereof to be secured to be paid to the said Louisa Yenner during her natural life, and the principal with any interest then unpaid, to be paid on the death of the said Louisa Yenner, widow of the said testator, to the brother and sisters of said testator named in said will, as their heirs and legal representatives.

Delivery of deed
of conveyance.

SECTION 3. On payment and security of the purchase money as aforesaid, the said Solomon Oswald is hereby authorized and empowered to make, execute and deliver to the purchaser or purchasers of said real estate hereby authorized to be sold, a deed of conveyance for the same, with general or special warranty; and said deed shall vest in the purchaser or purchasers, all the right, title, claim and interest which the said Peter Yenner had and held, of, in and to the real estate aforesaid in his life time, at and immediately before the time of his decease.

To give security.

SECTION 4. Before the said Solomon Oswald shall make sale of the property aforesaid, he shall give security in such sum and form as shall be approved by the orphans' court of York county, conditioned for the faithful performance of his duties under this act, and for the faithful payment and appropriation of the proceeds of said sale, agreeably to the provisions of this act.

In case of death
of present execu-
tor, &c.

SECTION 5. Should the said Solomon Oswald, executor of the said deceased, die, resign, or be removed from his said office of executor, before performing the duties required by this act, all the rights, powers and duties hereby conferred and imposed, shall be considered as and hereby are conferred and imposed upon any person who shall become

the administrator de bonis non with the will annexed of the said Peter Yenner.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 132.

AN ACT

Constituting the town of Hampton, in Adams county, a separate school district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the town of Hampton, in the county of Adams, and so much of the land adjoining as is embraced within the following limits, to wit: commencing on the turnpike road north of said town on the line of the land of Henry Albert; thence south forty-three degrees east along the line of and including the land of the said Albert and Henry Rumel, to its connection with the line of the land of Solomon Albert; thence along the line and including the land of the said Albert, to the line of the lands of Henry A. Picking; thence by the line and including land of said Picking, to the line of the land of John Brough; thence by the line of and including the land of said Brough, to the line of the land of David White; thence by the line of and including the land of the said White, to the Conewago creek; thence up the said creek to the line on the west side of the land of John Duncan; thence by the line of and including the land of the said Duncan, to the line of the land of George Heims; thence by the line of and including the land of the said Heims, to the line of the land of Jonas Chronister; thence by and including land of the said Chronister, to the line of the land of Adam Geigh, and thence by the line of and including the land of the said Geigh to the place of beginning, be and the same is hereby erected into a separate school district.

Town of Hampton, Adams county, erected into a separate school district.
Boundaries.

SECTION 2. The qualified electors of the said district shall hold an election for six school directors, at the public house of Israel Yont, in Hampton, on the day fixed by law for township elections; and all proceedings relative to the organization of said school district, and the subsequent management and conduct of its affairs, shall be in conformity with existing laws on the subject, and such as shall be hereafter enacted.

Elections.

SECTION 3. Within one month after the passage of this act, the assessor of Reading township, in the county of Adams, shall make an

Assessor of Reading township, Adams county, duties of.

enumeration of the number of taxable inhabitants in said school district, and make return thereof, as provided in other and similar cases; and the said school district shall be entitled to receive out of the state appropriation for common school purposes, and out of any undrawn appropriation to which the said township of Reading is entitled, its proportion thereof, in the ratio of its taxable inhabitants to the entire whole number of taxables in said township of Reading; and the directors of said school district shall have all the rights, duties and responsibilities pertaining to the like office in other cases.

Farms of Thomas Jackson, Esq., in Blair township, Blair county, attached to the Gaysport school district.

Land of Elisha Robinson, attached to Perry township, Armstrong county, for school purposes.

SECTION 4. That the farms of Thomas Jackson, esquire, in Blair township, in the county of Blair, one warranted in the name of Joseph Nicolas, and the other in the name of Edward Nickolas, be and the same are hereby attached to the borough of Gaysport, in said county, for all school purposes.

SECTION 5. That from and after the passage of this act, all that portion of the farm of Elisha Robinson, of Armstrong county, patented in the name of the said Elisha Robinson, situated in Butler county, shall be annexed to and form part of Perry township, Armstrong county, for school purposes.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty.

WM. F. JOHNSTON.

NO. 133.

AN ACT

To view and lay out a state road from the Saxonsburg road, in Butler county, to the Pittsburg and Freeport road, in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Walker, of Butler county, and John Kennedy and Thomas Neel, of Allegheny county, be and the same are hereby appointed commissioners to view and lay out and mark a state road, beginning at or near Lardin and M'Call's steam mill, on the Saxonsburg road, in Butler county, and extending by the easiest and most practicable route, having reference to distance, surface of the country, and cost of construction, to a point at or near E. Miller's saw mill, on the north-east branch of Bull creek, in Allegheny county.

Commissioners.

Location.

Commissioners,
duties of.

SECTION 2. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office,

to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, at an elevation of not more than five degrees from a horizontal line; and that they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon readily found by the supervisors; and for fulfilling the duties enjoined by this act the commissioners shall be allowed the sum of one dollar and fifty cents per day, for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem, two chain-bearers and one axeman, at a sum not exceeding, for each, one dollar per diem.

SECTION 3. That the said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matters as may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and copy in the office of the clerks of the court of quarter sessions of the respective counties through which the said road may pass, on the time aforesaid, or as much sooner as practicable, and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads laid out by the courts are made and repaired. Draft of location.
Copy to be forwarded to the secretary of the commonwealth, &c.

SECTION 4. That the commissioners shall draw on the commissioners of the counties through which the said road shall pass, who shall adjust the account of the commissioners, surveyor, chain-bearers and axemen, and pay them, as other accounts, by orders on the treasurer of the county are paid. Pay of commissioners, &c.

SECTION 5. That said commissioners shall meet on or before the first Monday of August next, or as soon thereafter as a majority of them shall agree on, and complete the location of said road as soon as practicable; and if any vacancy shall occur by resignation, or otherwise, it shall be filled by the judges of the court of quarter sessions of the county in which said person or persons so resigning shall have resided. Vacancy, how filled.

SECTION 6. That it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and make and open the said road, as other roads are made, and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than fifty dollars, to be collected as other fines are collected; and the said fine shall be appropriated for the use of said road; and the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for laying out and repairing of roads in the township in which said person so refusing may reside; and that said commissioners shall have power to vacate any road or part thereof, as may be rendered useless by this act, or shall have power to locate any part of the road between the points mentioned by this act. Supervisors, duties of.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 134.

A SUPPLEMENT

To an act to incorporate the Huntingdon and Broad Top railroad company; and relative to a certain tavern license in the county of Huntingdon, approved fifth of April, one thousand eight hundred and forty-nine.

Construction of
6th section of
certain act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the sixth section of the act to which this is a supplement, limiting the charter of the Huntingdon and Broad Top railroad company to the period of twenty years, shall be construed to apply only to said charter so far as it relates to the mining privileges granted to said company.

Per centage.

SECTION 2. That the per centage required by the fifth section of the act to which this is a supplement, to be paid on the amount of the capital stock of said company, authorized to be employed in the purchase of coal lands and the business of mining, shall be assessed only upon the actual amount of capital that may be invested for that purpose.

Reservation.

SECTION 3. That the legislature reserves the right to alter, amend or annul the charter of this corporation, whenever the same may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 135.

A N A C T

To authorize the election of additional school directors in the township of Kingsessing, in the county of Philadelphia; and relative to a public school in Smith township, Washington county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the qualified electors of the township of Kingsessing, in the county of

Philadelphia, shall, on the third Friday in March instant, at the time Kingsessing and place of holding constables' elections, elect three citizens, in addition to the number now required by law, to serve as school directors; Philadelphia county, and the said directors so elected shall divide themselves, by lot, into three classes, one-third to serve for one year, one-third two years, and the remaining one-third for three years; and annually thereafter the qualified electors shall elect two citizens to serve as school directors for the term of three years. increase of school directors in.

SECTION 2. That an act, entitled "An Act to open a public school in the house known as Kerr's school house, in Smith township, Washington county," approved the sixth day of March, A. D., one thousand eight hundred and forty-nine, be and the same is hereby repealed. Repeal of certain act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 136.

A N A C T

To enable the trustees of the Union bucket company of Frankford, to sell certain real estate.

WHEREAS, Alexander G. Kane, and wife, by deed dated the eleventh day of June, Anno Domini, one thousand eight hundred and forty-seven, recorded at Philadelphia in deed book A W M, No. 43, page 405, et cetera, granted and conveyed unto William W. Cooper, Jacob Abrahams and Alexander Walker, trustees of the Union bucket company of Frankford, a certain lot of ground situate on the northerly side of Unity street, in the borough of Frankford, county of Philadelphia, beginning at the distance of one hundred and sixty-four feet two inches, or thereabouts, north-westward from the north-westerly side of Franklin street, containing in front on said Unity street, sixteen feet, and extending in length or depth north-eastward between parallel lines twenty-four feet, bounded north-westward and north-eastward by ground of the said Alexander G. Kane, south-eastward by ground of Robert Shaw, and south-westward by Unity street aforesaid: Preamble.

And whereas, A building hath been erected on said premises, and in consequence of which a debt hath been contracted which said company are unable to liquidate, unless from a sale of the premises, and in consequence of being unincorporated a difficulty having been experienced in making said sale; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly*

Trustees authorized to sell certain real estate.

met, and it is hereby enacted by the authority of the same, That the said William W. Cooper, Jacob Abrahams and Alexander Walker, and the survivors and survivor of them, be and they are hereby authorized to grant, assign and convey the said lot of ground, with the improvements thereon erected, and any and every part thereof, to any purchaser or purchasers thereof, in fee simple, or otherwise, free, clear and discharged from all every trust or trusts, and as fully and amply as if the same had been purchased by them individually, and for no other purpose; and without any liability whatever on the part of the purchaser or purchasers, to see to the application of the purchase money: Provided, That before said sale shall be valid in law, it shall have been approved by the court of common pleas of Philadelphia county, and the said trustees shall have given bond, with sufficient security, to be approved by said court, conditioned for the faithful application of the proceeds of said sale.

Proviso.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 137.

A SUPPLEMENT

To an act, entitled: "An Act to incorporate the president, managers and company of the Fox Chase and Huntingdon turnpike road company," approved the twenty-eighth day of March, Anno Domini one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the president, managers and company of the Fox Chase and Huntingdon turnpike road company shall have the privilege of extending their turnpike road from the present termination, at the Sorrel Horse tavern, in Mooreland township, Montgomery county, to Richboro', in Northampton township, Bucks county, with all the rights, privileges and immunities, and subject to the same restrictions, granted and mentioned in said act of incorporation.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 138.

A N A C T

Authorizing John Miller, attorney in fact of Peter Miller and wife, to perfect the titles of certain purchasers of real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Miller, attorney in fact of Peter Miller, of Ohio, and Elizabeth his wife, be and he hereby is authorized to perfect the title to the purchasers of the real estate of the said Peter Miller, situated in the county of Northampton, which as such attorney in fact, he has contracted in writing to sell to the several purchasers thereof, by executing, acknowledging and delivering deeds of conveyance to the said purchasers respectively, according to the terms and conditions of sale, as fully and effectually as if the said Peter Miller had not died since the said sales were made.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 139.

A S U P P L E M E N T

To an act, entitled "An Act to incorporate the district of Spring Garden," passed March twenty-second, one thousand eight hundred and thirteen, and relating to the placing of sign-boards in the city and incorporated districts of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the ninth section of the act passed March twenty-second, one thousand eight hundred and thirteen, entitled "An Act to incorporate the district of Spring Garden," shall be so construed that in all cases of the sale of real estate, or for mortgage, or encumbering of the same, or for borrowing money, or issuing bonds, scrip or notes, the assent of two-thirds of the whole number of the commissioners of said district shall be required ;

and that the word eight in the seventh section of said act of incorporation, shall be so construed to read two-thirds.

Duty of commis-
sioners.

SECTION 2. That it shall be the duty of the commissioners of the districts of Spring Garden and Kensington, within three months after the first day of January, in each and every year, to cause to be published three times, in at least one daily newspaper printed in the city of Philadelphia, and in such other manner as the said board of commissioners shall deem expedient, a detailed statement of the receipts and expenditures of the corporation, for the year preceding, as well as the actual resources and liabilities, (including all permanent and temporary loans and debts,) and that if the said commissioners shall refuse or neglect to do so, it shall be the duty of the treasurer of the said district, within one week thereafter, to cause such statement to be published in at least one daily newspaper aforesaid, at the cost of the said corporation, under a penalty of fifty dollars, to be recovered by any citizen of the said district, as debts of like amount are by law recoverable.

Authorized to
make market
house of the
width of thirty-
four feet.

SECTION 3. That the board of commissioners of the district of Spring Garden are hereby authorized and empowered, in the erection of market houses in Spring Garden, that to make them of the width of thirty-four feet; and all market houses heretofore erected by them in that street, not exceeding the said width of thirty-four feet, are hereby legalized, and the authority by which they were so erected is confirmed.

Width of market
house in Callow-
hill street legal-
ized.

SECTION 4. That all market houses heretofore erected in Callowhill street, of the width of thirty feet, are hereby legalized, and the authority by which they were erected is confirmed; and that hereafter it shall be lawful for market houses in said Callowhill street to be built of the width of thirty feet.

Sign or show
boards.

SECTION 5. That the select and common councils of the city of Philadelphia, and the commissioners of the district of the Northern Liberties, Spring Garden, Kensington, Southwark, Moyamensing, Penn district and Richmond, be and they are hereby authorized and empowered to pass, from time to time, such and so many ordinances as they may deem proper for the regulation or prevention of the erecting or setting of any sign or show boards, or other devices for like purposes, on the tops, or projecting from the tops or roofs of any house or building within the limit of the said city or districts.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 140.

A N A C T

To authorize the town council of the borough of Pottsville to borrow money, and to give justices of the peace jurisdiction in certain cases within said borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That

the town council of the corporation of the borough of Pottsville be and they are hereby authorized and empowered to borrow any sum or sums of money, not exceeding in the whole twenty thousand dollars, which they may deem necessary for the purpose of liquidating the debt of said borough, paving and curbing the streets, lanes and alleys thereof, as well as to pay for the erection of the market house in said borough, or for other necessary borough purposes, in the name and upon the faith, credit and responsibility of the corporation of the borough of Pottsville aforesaid; to issue certificates of such loan or loans to the holders thereof, in sums not less than one hundred dollars each, and to make such provision out of the taxes of said borough, from time to time, as may be necessary to pay the interest upon such loan or loans, and to redeem the principal at such times and in such manners as may be conformable to the terms upon which the same may be taken.

Town council of the borough of Pottsville authorized to borrow money.

Certificates of loan.

SECTION 2. The several justices of the peace of the corporation of the borough of Pottsville, shall have power to hear and determine all actions for the breach of any regulation contained in the charter of said borough ordinance or by-law of said corporation; and the proper remedy for the recovery of any penalty, or for the breach of any regulation or ordinance, or by-law as aforesaid, shall be by action or debt, to be proceeded in in the same manner, and subject to the same rights as to bail and appeal, as debts of like amount are by the laws of this commonwealth recoverable, anything in said charter to the contrary notwithstanding.

Jurisdiction of justices of the peace of the borough of Pottsville.

SECTION 3. That so much of any act as is hereby altered or repealed, be and the same is hereby repealed.

Repeal.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 141.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Columbia insurance company of Philadelphia."

Insurance.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, and the acceptance thereof by the board of directors of the said Columbia insurance company, it may and shall be lawful for any and every person to insure marine, fire and inland transportation risks with the said company, and to become members of the said corporation, and be entitled to a pro rata share of any profits which may be made by such insurance, to be declared and divided as hereinafter directed by the provisions of this act.

Dividends.

SECTION 2. The directors shall, on the first Monday in November, in each and every year, cause a balance to be struck of the affairs of the company, and if there shall be a surplus after paying losses and expenses for the year preceding the same, they shall first set aside six per cent. on the actual value of the capital stock out of the surplus, which valuation shall be estimated by the said directors for that purpose, and the remainder shall be divided among the stockholders and insured members, in proportion as their respective amounts of stocks held or premiums determined may bear to the collective sum of stock so valued and premiums as aforesaid.

Certificates.

SECTION 3. Within thirty days after the yearly balance of the affairs of the said company shall be struck, the directors shall cause to be paid to the stockholders in cash, six per cent. on the said valuation of their stock, if the surplus amounts to so much; and for the remainder, they shall issue the company's certificate to such insured member and stockholder, agreeably to the provisions of the last section, stating the amount of such surplus, which shall be ascertained to be due him on striking said balance. Such certificate shall be entitled to an interest or dividend not exceeding six per cent., to be paid out of the profits thereafter declared by the company.

Profits, &c., to be liable to losses, &c.

SECTION 4. The profits of the said company shall in no case be withdrawn, except as herein provided, but shall remain liable to all losses and expenses thereof; such liability to be expressed on the face of said certificates. And the president and directors in case of loss, shall have the power to declare a pro rata deduction of the amount of the outstanding certificates, and to call in the original certificates and issue new ones in their stead, less the pro rata reduction, and no dividend shall be declared or certificate issued, nor interest paid either to stockholders or certificate-holders, when the capital stock shall be reduced by losses or expenses to an amount below the aforesaid valuation; nor shall any interest be paid on certificates of surplus profits, until the said interest on the stock of the company be first provided for.

Certificates to be issued for not less than ten dollars.

SECTION 5. No certificate shall issue for any sum less than ten dollars, nor for any fractional part of ten dollars; but all such fractional parts or sum or sums less than ten dollars, shall be passed to the contingent fund of the company, and applied to the expenses and other

charges thereof. The said certificates shall not be transferable, except on the books of the company; and a transfer book shall be kept for that purpose. No certificate shall issue to any person who is in debt to said company, and no transfer shall be permitted so long as the holder is indebted to said company. Certificates shall be subject to and bound by any judgment the company may obtain against the holder thereof, and the interest of such holder may be sold under an execution issued on said judgment, as any other species of personal chattel. No certificate shall issue unless claimed within two years after the declaration of the dividend whereof it is evidence, but the amount thereof shall, at the expiration of that time, be carried to the credit of said company: *Provided*, That said corporation shall not exercise any banking privileges, or issue any certificate or other paper to be used or circulated as bank paper.

SECTION 6. Every insured member or certificate-holder having paid the amount of his or their respective premiums, premium notes, subscription notes, and other debts due said company, shall be free from any liability or responsibility for or on account of any and all losses and expenses which said corporation may at any time sustain or incur.

Insured members, &c., to be free from liability, &c.

SECTION 7. The said company may from time to time receive notes or other securities, real or personal, as premiums, from persons intending to effect insurances therewith, or from any other person or persons, under such regulations or agreements as shall be authorized by the directors; which said notes or other securities may be negotiated, transferred or conveyed by the said company, for the purpose of paying claims for losses accruing in the course of its business; and on such portions of said notes or securities as may exceed the amount of premiums paid or agreed to be paid by the parties from whom the same may have been received, the said company may allow and pay such interest or other compensation, not exceeding five per cent. per annum, as may be agreed upon by the directors.

Company may receive notes, &c., as premiums, &c.

SECTION 8. Perpetual or permanent insurances may be taken as heretofore, without the parties thereto becoming members or being entitled to any part of the profits of said company.

Perpetual or permanent insurance may be taken.

SECTION 9. The affairs of the company shall be managed by twenty-eight directors, to be chosen annually hereafter, on the first Monday in January, between the hours of ten A. M. and two P. M., from among the members of the corporation. The directors for the time being, shall appoint a president and vice president of the company, and such other officers as they may deem necessary for conducting and executing the business of the said corporation, who shall perform the duties of their respective offices until they shall be re-elected or their successors shall be chosen.

Affairs of company, how managed.

SECTION 10. At elections for directors, each share of stock shall have one vote, and each insured member, for any sum paid as a premium of insurance to said company during the year preceding said election, amounting to twenty dollars, one vote, and for every additional twenty-five dollars paid as aforesaid, one vote.

Votes.

SECTION 11. That as soon as this act shall be accepted as aforesaid, the said corporation shall assume the title of, and make insurances as directed by the provisions of this act, as the Columbia mutual insurance company; and the stockholders of the Columbia insurance company shall thereafter cease to be liable for the payment of any further instal-

Title.

Powers.

Proviso ments on their stock ; and the said association, under the title of the Columbia mutual insurance company, shall have all the necessary powers for the purpose of carrying into effect the provisions of this act, together with all the corporate rights and privileges granted to the said Columbia insurance company : *Provided*, That nothing contained in this act shall impair or alter any legal existing right or privilege, consequent upon any agreement, insurance or contract made by or with said company, prior to the said acceptance of this act.

Suits. **SECTION 12.** Suits at law may be prosecuted and maintained by any member against said corporation for losses or damages insured against by them, if payment is withheld more than sixty days after the company is duly notified of such losses ; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

Redemption of certificates. **SECTION 13.** When the net profits or surplus remaining in the possession of the company shall exceed the sum of two hundred and fifty thousand dollars, the excess may be applied to the redemption of the certificates issued by the company, in such manner, and at such times as the directors thereof may deem proper and expedient ; and all claim or right to any interest or dividend on said certificates shall cease after two weeks' notice, published in two of the daily papers of the city of Philadelphia, that the company will redeem the same.

Balance sheets. **SECTION 14.** Within thirty days after the yearly statement made in November, in each year, the officers of the company shall cause to be made and printed a general balance sheet of the affairs of said company, which shall contain—

Contents I. The amount of premiums received during the previous year, specifying what amount for fire risks, and what amount for marine and inland risks.

II. Amount of expenses of company during the year.

III. Amount of losses incurred during the year, specifying what amount on fire, and what amount on marine and inland risks.

IV. The balance remaining with the company.

V. The nature of the security on which the same is invested, specifying what amount is invested in real security, what in stocks, what amount in state or national loans, what amount in other securities, and what amount in cash on hand. A printed copy of this statement shall be delivered to each member, on request ; and the said statement shall be printed for one week in two daily newspapers in the city of Philadelphia.

May invest capital stock in bonds, mortgages, &c **SECTION 15.** It shall and may be lawful for the said company to employ and invest their capital stock and other moneys of the said company, in bonds and mortgages on real estate, on respondentia, bottomry, ground rents, stocks or loans of the United States and state of Pennsylvania, and in stocks or loans of any borough, city or institution, incorporated by the laws of this state, and in other good securities ; and to sell and transfer the same, and to re-invest the proceeds of such sale or transfer in other such loans, stocks or securities : *Provided*, That nothing in this act shall prevent said company from receiving, purchasing or holding, any real or personal property, stocks or other securities, in payment of debts due them, or to secure the same in any manner that the interests of the said corporation may require, and to sell, assign and convey the same in fee simple or otherwise.

SECTION 16. So much of the act to which this is a supplement as is hereby altered or amended, or is inconsistent herewith, shall be and the Repeal same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 142.

AN ACT

To authorize the governor to incorporate a company for making a turnpike road in Susquehanna county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That John Minkler, Hiram Bates, Jasper Stanley, Robert Giffin, Edward Clark, Amos Heath, Samuel F. Camalt and John Pieronet, of the Commissioners, county of Susquehanna, or a majority of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The Choconut and Friendsville turnpike road company," with power to construct a turnpike road from the southern termination of the Binghamton and State Line turnpike road, and thence by the valley of the Choconut on the best route to the borough of Friendsville; the route to be agreed upon and adopted by the stockholders, or a majority of them, at a meeting Location. called for that purpose, subject to all the provisions and restrictions of Subject to provisions of certain an act regulating turnpike and plank road companies, approved the act. twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto.

SECTION 2. That the capital stock of said company shall consist of one hundred, of twenty-five dollars per share: *Provided*, That said Capital stock. company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be necessary in their opinion to carry out the intent and meaning of this act, and to extend the said road south to the North Branch canal.

SECTION 3. That if the said company shall not commence the construction of their road within two years after the passage of this act, and complete the same to Friendsville within seven thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the said company. Commencement and completion of road.

Toll gates. SECTION 4. That whenever the said company shall have completed four miles of the said turnpike road, they shall have the right to erect toll gates and receive toll upon that portion of the road thus finished.

Damages. SECTION 5. That whenever the said road shall be laid and located upon the line of any township or county road, then and in such case no further or other damages shall be paid to the parties through whose land the same may pass, than the amount assessed and laid by the viewers who laid out such road, and assessed the damages under the road laws of this commonwealth.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 143.

AN ACT

Relative to the trust estate of Elizabeth Wilson, of Washington county.

Court of common pleas of Washington county authorized to direct the trustees under a certain indenture, to re-convey certain property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the court of common pleas of Washington county, Pennsylvania, is hereby authorized at its discretion, to direct and require the trustees under a certain indenture and deed of trust executed by Thomas M'Kean Wilson, Elizabeth Murdoch, Eliza Murdoch and John L. Gowe, on the first day of January, one thousand eight hundred and thirty-eight, and recorded in the office for recording of deeds for the said county, in book V, volume 2, folios 147-8-9, and on the eighteenth February, one thousand eight hundred and thirty-eight, whereby certain estate belonging to the said Elizabeth Murdoch, now Elizabeth Wilson, was intended to be secured to herself and children, to re-convey the same to the said Elizabeth, and upon such conveyance and transfer of the said property, to discharge the said trustees from all liability on account of the said trust: *Provided, That* the said trustees shall satisfy the said court, that they have not received any part of the said estate as yet into their possession: *And provided also, That* such authority

shall not be exercised, except on the application of the said Elizabeth, to be made in writing to the said court.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 144.

A N A C T

In relation to the district of Penn, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the district of Penn, in the county of Philadelphia, are hereby authorized and it shall and may be lawful for them to pitch and pave the Ridge road between the curbs, and to lay the curb stone and to grade and pave the foot-ways on the said Ridge road, from the north line of the said district of Penn, in the county of Philadelphia, to the south line thereof, or so much of it as the said commissioners may deem expedient; and to assess and collect the costs thereof against the estates in front of which the said improvement may be done, according to the ordinances now in force in the said district for the same purposes; and so much of said road as has been pitched, curbed and paved by the commissioners aforesaid, shall be deemed proper as if this act had been in full force at the time, and shall be subject to the same.

Commissioners of district of Penn authorized to pitch and pave the Ridge road, &c.

Assess and collect costs.

SECTION 2. That the said commissioners shall first obtain the consent of the president and board of directors of the Ridge Road turnpike company for the same, and that the agreement made by the president and board of directors of the Ridge Road turnpike company, and the commissioners of the said district, or by a majority of them, shall be recorded in the office of the recorder of deeds in and for the city and county of Philadelphia.

Commissioners first to obtain consent of Ridge road turnpike company.

SECTION 3. That nothing in this act shall be so construed as to prevent the said Ridge Road turnpike company, from collecting the tolls &c. upon the said road when paved, and that the said Ridge Road turnpike company shall keep the road or street in good repair at their own expense.

Collector of tolls, &c.

SECTION 4. That neither the twenty-ninth section of the act of assembly, passed the sixteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight, entitled "An Act to authorize the committee of the estate of Michael Fox, a lunatic, to sell and convey certain real estate, and for other purposes;" nor the third section of the

act of assembly of the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, entitled "An Act to authorize the administrators of Henry Mineum, late of Crawford county, deceased, to sell and convey certain real estate, and for other purposes," shall be so construed as to exempt from taxation for the expenses of pitching and paving and laying pipes for the introduction of the Schuylkill water in any street, road, lane or alley in the county of Philadelphia, any university, college, academy or school house, or the grounds annexed to any university, college, academy or school house, in front of which such street, road, lane or alley is, or may hereafter be pitched and paved, or in which the said pipe is or may hereafter be laid; but the expenses of such pitching, paving and laying the said pipe shall become a lien, and be recoverable in the same manner as municipal claims for pitching, paving and laying the said pipes in front of other property are by law recoverable.

Liens, &c.

Camac street.

Title to the soil,
&c.

SECTION 5. That Benjamin W. Frazier, or any person appointed by him, be and he is hereby authorized and empowered to close that portion of Camac street, situate between Seventh street and Eighth street, in the district of Penn, and county of Philadelphia, and that the title to the soil over which the said portion of Camac street passes, be and the same is hereby vested in fee simple, in the said Benjamin W. Frazier: *Provided*, He, the said Benjamin W. Frazier, shall first open Oxford street, Columbia avenue and Montgomery street, between the said Seventh street and Eighth street, in the said district; that the said Benjamin W. Frazier, or any person appointed by him, be and he is hereby authorized and empowered to extend and open said Franklin street, northward from said Columbia avenue through his lands, equidistant from said Seventh street and Eighth street, and as near as practicable parallel with said streets; that the said Benjamin W. Frazier, or any person appointed by him, be and he is hereby authorized and empowered to curb and pave the said Oxford street, Columbia avenue, Montgomery street and Franklin street, so far as the said avenue and streets extend through his lands, the said curbing and paving to be done in a workmanlike manner; that the owners of property on both sides of said Seventh street and said Eighth street, from the south line of the district of Penn aforesaid, to said Montgomery street, be and they are hereby authorized and empowered to curb and pave said streets.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 145.

AN ACT

To incorporate Saint Mary's cemetery, in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the right reverend M. O'Connor, reverend Edward M'Mahon, P. Mulvany, C. Ihmsen, Luke Taaffe, N. Grattan Murphy, John M'Devitt, James Blakely, James E. Ledlie, John S. Cosgrave, S. C. Tiernan, Daniel M'Meal, James Cochran, R. J. Grace, Henry M'Culloh, George Rhey, John D. Jennings, John Coyle, George Beale, junior, John Farran, Thomas Appleby, M. M'Closkey, G. L. B. Fetterman, J. B. Knox, John Savage, James P. Barr, James M'Adams, Richard Connell, James Karney, A. M'Tighe, Martin Connelly, P. Loughran, James Casey, Thomas Flood, John Magee, John Casey, John Mellon, John O'Brien, Samuel Snee, James M'Caleer, H. M'Gonigal, Robert M'Keever, T. M'Carthy, William F. M'Bride, O. M'Almeel, Thomas O'Neill, J. N. M'Clowry, F. Dunn, Thomas Byrne, James M'Devitt and John E. Downing, be and they and their successors are hereby created a body politic in law, under the name and title of "Saint Mary's cemetery;" and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, implead and be impleaded in all courts of law and equity, and to do all such other things as are incident to a corporation. Corporators.

SECTION 2. That the said corporation shall, at least once in every year hereafter, fill, by election by ballot, all vacancies which may occur among them, and may at the same time or other times increase and add to their number from those who may be lot-holders in the cemetery, so that the said company shall never be reduced to less than ten nor exceed fifty members; and they shall have full power to ordain, establish and put in execution, all such by-laws, rules and regulations, not contrary to the constitution and laws of the United States, or of this state, which may be necessary for the proper government of the corporation, its officers and affairs; and until the election of managers, shall exercise all the powers thereof. Vacancies, how supplied.

SECTION 3. That the said managers shall be elected or appointed as follows: Four to be appointed by the R. C. bishop of the diocese of Pittsburgh; four by the R. Catholic clergymen having charge of churches in the city of Pittsburgh and its districts, and of the city of Allegheny, for the time being; and four to be elected by ballot by the corporators, and that any lot-owner in the cemetery be eligible to the appointment or election as a manager. Managers, how appointed.

SECTION 4. That the said managers shall appoint from their own number or otherwise, a secretary and treasurer, who shall make a report of their proceedings, and a statement of the finances, at the annual meetings of the corporators, and as much oftener as may be required by a majority of them, the said corporators. Secretary.
Treasurer.

SECTION 5. That the said corporators or managers shall have power to contract for and purchase, from the owner or owners thereof, a tract of land in Allegheny county, not exceeding in the whole fifty acres, Managers, power of.

and the same to lay out and ornament, and to divide and arrange it into suitable plots and burial lots, remove and alter old and erect new buildings, and to do all other things proper or necessary to be done to adapt the said ground for the purposes of a cemetery, and to sell and dispose of said plots and burial lots, in fee simple or otherwise, for the purpose of sepulture, agreeable to the rules of the Catholic church, made and provided therefor, and under such other conditions, rules and regulations as the said corporators or managers may establish for the government of lot-holders, visitors to the cemetery, and burial of the dead: *Provided*, That the lots granted by the said association for burial lots, shall not be used for any other purposes; and they shall be free from seizure, levy or sale, under or by virtue of any execution against any grantee or grantees of said association for such purpose: *Provided however*, That such exemption from seizure and sale, shall not extend to more than four lots held by any one individual.

Proviso.

Officers, agents,
&c.

SECTION 6. That the said corporators or managers after their election, shall have power to appoint all other officers, agents and workmen which may be needful, and fix their compensation or wages, and the same discharge at pleasure; to take from the treasurer security for the faithful performance of his trust, and to discharge him from his office upon occasion therefor; and that the said managers shall keep fair minutes of all their acts and doings.

Grounds exempt
from taxation,
except.

SECTION 7. That the said company shall be capable of holding so much personal property as may be necessary for the purposes of this incorporation, and for the improvement and perpetual maintenance of the cemetery in proper order and security; and that said cemetery grounds and buildings be exempt from all taxation, except for state purposes.

Proceeds of bur-
ial lots, how to
be applied.

SECTION 8. That the proceeds of the sales of burial lots shall be applied to the liquidation of the purchased capital, and the improvement and embellishment of the cemetery; and after both of these objects shall have been well and fully accomplished, to any charitable use the managers, by a vote of two-thirds of their number, shall determine.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 146.

AN ACT

Authorizing Jacob Weidle, committee of Michael Weaver, to sell certain real estate.

WHEREAS, There are two tracts of land belonging to the estate of Michael Weaver, of Lebanon county, an habitual drunkard, situate in Bethel township, in said county, the one thereof containing two acres and one hundred and fifty perches, under cultivation; the other thereof containing seventy-three acres and sixty perches mountain land, which are unproductive and of little value; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Jacob Weidle, committee of the said Michael Weaver, be and he is hereby authorized to sell the said two tracts of land at public or private sale, and to convey the same to the purchaser or purchasers thereof in fee simple, and to invest the proceeds of such sale, together with the moneys in his hands belonging to the estate of said habitual drunkard, in real estate situate in the said county of Lebanon, as he shall think eligible and proper: *Provided*, That the said Jacob Weidle, committee as aforesaid, shall report such sale to the court of common pleas of said county for confirmation thereby, and such sale shall not be confirmed by said court until the said Jacob Weidle shall have filed a bond in double the amount of the proceeds of such sale, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful application of such proceeds of sale.

Jacob Weidle,
committee of
Michael Weaver,
authorized to sell
certain real es-
tate.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 147.

A N A C T

Relating to collateral inheritance taxes.

Preamble.

WHEREAS, While it is just and expedient that the commonwealth should be secure in the collection of her revenue, it is not just or expedient that those who shall not have come into the actual possession of their estates or property, should be oppressed by the payment of the collateral taxes thereon; therefore,

Persons coming into possession of estates subject to collateral inheritance taxes, to give security, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where there has been, or shall be a devise, descent or bequest to collateral relatives or strangers liable to the collateral inheritance tax, to take effect in possession, or to come into actual enjoyment after the expiration of one or more life estates, or a period of years, it shall and may be lawful for the parties so circumstanced, liable for such tax, to elect to wait their coming into the actual possession of the estates or property subject to the said tax; and in such case shall give security to the register of the proper county for the payment thereof on the personal estate, at such period as they or their representatives may come into the possession, together with six per cent. per annum interest on the amount of the tax from the time the same accrued until paid: *Provided,* That such persons shall make a full return of such property within one year from the date hereof, or within one year of the death of the decedent, and within that period enter into such security to the satisfaction of the register; and the tax on real estate shall remain a lien on the real estate on which the same is chargeable until paid, bearing lawful interest as aforesaid; and no law heretofore passed shall be taken or construed to make any collateral inheritance tax a lien on any other property or estate than those chargeable with such collateral inheritance tax.

Proviso.

Register of wills to appoint an appraiser, &c.

SECTION 2. Instead of the appraisers directed by the twelfth section of an act, passed April tenth, one thousand eight hundred and forty-nine, entitled "An Act to create a sinking fund and to provide for the gradual and certain extinguishment of the debt of the commonwealth," the register of wills of the proper county shall appoint an appraiser as often as, and whenever occasion may require, who shall perform all the duties required by the said section: *Provided,* That the right of appeal established by the twelfth section of the act of tenth April, one thousand eight hundred and forty-nine, shall continue as provided by said act.

Proviso.

Construction of certain act.

SECTION 3. The words, "being within this commonwealth," in the first section of an act, passed the seventh day of April, one thousand eight hundred and twenty-six, entitled "An Act relative to collateral inheritances," shall be so construed as to relate to all persons who have been at the time of their decease, or now may be domiciled within this commonwealth, as well as to estates, and this is declared to be the true intent and meaning of said act.

Register of wills, duty of.

SECTION 4. That it shall be the duty of the register of wills of every county, to make return and payment to the state treasurer, of all the collateral inheritance taxes he shall have received, stating for what es-

tate paid, on the first days of March, June, September and December in every year; and for all such taxes collected by him, and not paid over within one month after his quarterly return of the same, he shall pay an interest at the rate of twelve per cent. per annum until paid.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 148.

AN ACT

To incorporate the Female medical college of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William J. Mullen, Frederick A. Fickard, M. D., Henry Gibbons, M. D., Jos. S. Longshore, M. D., Ferdinand Dreer, William J. Birkey, M. D., R. P. Kane, John Longstreth, and their associates, be incorporated under the name, style and title of “The Female medical college of Pennsylvania,” for the purpose of instructing females in the science and art of medicine; the said college to have all the powers and be subject to the restrictions contained in the act, entitled “An Act to incorporate the Franklin medical college,” approved the twenty-eighth day of January, one thousand eight hundred and forty-six.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 149.

AN ACT

Relative to bridges.

Relative to bridge
over the Juniata
river and tributa-
ries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall not hereafter be lawful to erect any free bridge over the Juniata river or its tributaries, within the distance of one mile from any toll bridge constructed by any company incorporated by this commonwealth: *Provided,* That in case the county commissioners of any county in which such toll bridge may be situated, shall be desirous to purchase the same for the purpose of making it a free bridge, they may offer the owners of said bridge such a sum for the same as three competent disinterested persons (to be chosen, one by each of the parties, and the third by the two persons thus chosen,) may, after a careful view thereof determine it to be worth; and should said company not accept the said offer, (which may be made in writing to the president or secretary of said company,) within fifteen days after it shall be made as aforesaid, then and in that event, it shall be lawful for said commissioners, or any association of individuals, to erect a free bridge or bridges wherever they may see proper, over the said river or its tributaries.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 150.

AN ACT

Authorizing the citizens of Ontelaunee township, in Berks county, to vote for or against the continuance of said township; and to authorize the citizens of Butler township, Adams county, to fix the place for holding their elections.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

the qualified voters of Ontelaunee township, in the county of Berks, shall, on Saturday the thirteenth day of April, A. D., one thousand eight hundred and fifty, between the hours of nine o'clock in the morning and six o'clock in the evening, determine by ballot whether the new township of Ontelaunee shall be and remain a township or not; said election to be held at the house of Reuben Addams, in the said township, and shall be conducted by the officers appointed by law to hold the spring elections in said township, who are hereby required to give six days' notice to the citizens of said township, of the time and place of holding said election, and the object for which it is to be held, by at least fifteen written or printed advertisements, to be set up in the most public places of said township.

SECTION 2. Each person entitled to vote as aforesaid, shall vote a ticket with the words written or printed on the outside "New township," and on the inside "For Ontelaunee township," or "Against Ontelaunee township."

SECTION 3. The officers of the election shall make return of the votes polled for and against the new township of Ontelaunee, to the then next court of quarter sessions of said county, which return shall be filed among the papers of said court; and if a majority of the votes polled shall be in favor of the new township of Ontelaunee, then the said new township shall remain as at present laid off; but if the majority of the votes polled as aforesaid, shall be against the new township of Ontelaunee, then the said new township of Ontelaunee shall cease to exist, and the old township of Maidencreek shall be and remain the same, and with the like boundaries as if the said new township of Ontelaunee had never been created.

SECTION 4. That the qualified electors of the township of Butler, in the county of Adams, shall hold their next spring election on the third Friday in March, one thousand eight hundred and fifty, for the election of judge, inspectors, and township officers, at the public house of William Eichholtz, in the village of Middletown, in said township, and Henry Slaybaugh is hereby appointed judge, and William Toot and William Rex inspectors, to hold said election; and the qualified electors of said township shall at the same time decide by ballot at said election, where the township and general elections in said township shall thereafter be held; and for this purpose each qualified elector may deposit a written or printed ballot, which shall contain the name of the house or place at which he shall desire such elections to be held; and at the close of said election, the said last mentioned votes shall be counted and return thereof made by the officers of said election, in like manner as returns of the election for judges and inspectors of elections are returned; and the township and general elections in said township shall thereafter be held at the place in favor of which the highest number of votes shall be cast at said election; and the same is hereby declared and enacted to be the place for holding said elections for state, county and township officers, in like manner, and as fully, to all intents and purposes, as if the same were specially named and designated in this act; and notice of said election shall be given in the manner prescribed by law in other cases, by the constable of the township of Menallen, in said county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 151.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the town of New Castle, in the county of Mercer, and the town of Blairsville, in the county of Indiana; relative to the petition of David M'Cullough; and relative to the real estate of Henry M'Cullough.

Power and duties of assessing street tax in the borough of Blairsville, Indiana county, vested in the burgess and council.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act of the general assembly to which this is a supplement, passed the twenty-fifth day of March, one thousand eight hundred and twenty-five, as provides for the election of street supervisors in the borough of Blairsville, in the county of Indiana, and prescribes their powers and duties, be and the same is hereby repealed; and the power and duty of assessing the necessary street tax in said borough, shall be transferred and hereafter vested in the burgesses and council thereof, who shall perform all the other duties heretofore performed by the street supervisors aforesaid, under the act to which this is a supplement.

Orphans' court of Indiana county vested with full and complete jurisdiction in case of the petition of David M'Cullough.

SECTION 2. That the orphans' court of Indiana county be and hereby is vested with full and complete jurisdiction in the case of the petition of David M'Cullough, for the maintainance of his wife and her children, charged on real estate in said county, by the will of William Armstrong, deceased, proceedings wherein have been commenced in said court; and the said orphans' court is hereby authorized and required to re-hear, determine and decree in said case, as to it may seem just and equitable, with the same force and effect as if said case had been originally cognizable in said court; and in the event of a decree being made in favor of the petitioner, that the same shall be made for the amount due at the time of the decree.

Real estate of Henry M'Cullough, annexed to the borough of Lawrenceville.

SECTION 3. That the real estate of Henry M'Cullough, situated on the south side of the Pittsburg and Greensburg turnpike, partly within the borough of Lawrenceville, and partly in the township of Peebles, Allegheny county, be and it is hereby annexed to the borough of Lawrenceville, in said county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 152.

AN ACT

Relating to the estate of Elizabeth B. Hazlehurst.

WHEREAS, Elizabeth B. Hazlehurst, late of the city of Philadelphia, deceased, by her last will and testament, bearing date the eighteenth day of July, Anno Domini, one thousand eight hundred and forty, duly proved and registered in the office of the register of wills for the city and county of Philadelphia, did will and direct that her estate, real and personal, as it should exist at the determination of her husband's estate, except as therein excepted, should be divided by such five impartial and competent persons as the judges of any court of civil jurisdiction in and for the city and county of Philadelphia, or the judges of the supreme court of Pennsylvania, should name and appoint for the purpose, into as many equal shares as the number of her children, either living at her decease, or who died before her, leaving issue then surviving, her son Abraham and his issue, excepted; and the shares which should thereupon appertain to her said children and issue of any of her deceased children, she thereby directed, limited, appointed and gave for the estates and upon the limitations therein respectively mentioned; and did further will and direct that whatever sum or value had been or should thereafter in her lifetime be advanced to any of her said children, and should be found charged to them in her husband's books, and in her books, if she survived him, should be debited to them respectively, or to their respective issue as the case might be, in the said division, but without interest; and that the equal shares into which she directed her estate to be divided, should be made equal by bringing all the said advances into the division, and allotting the advances to each child respectively as the same might stand charged, as a part of his or her share or of the share of his or her respective issue:

Preamble.

And whereas, The judges of the supreme court of Pennsylvania did, on the twenty-third day of January, Anno Domini, one thousand eight hundred and fifty, name and appoint Samuel W. Thackara, Abraham R. Perkins, Matthew Brooke Buckley, Beaton Smith and Benjamin M. Hinchman, to make the division of the real and personal estate of the said Elizabeth B. Hazlehurst, under the direction contained in her last will above recited:

And whereas, A part of the real estate of the said Elizabeth B. Hazlehurst, which passed under the said will, consists of a mansion house and piece or parcel of land called Clover Hill, situate in the county of Burlington, and state of New Jersey, which is not susceptible of division, but the greater portion of the said real estate lies in the state of Pennsylvania:

And whereas, It is desirable that the person so appointed by the judges of the supreme court as aforesaid, shall have power to divide the real estate of the said Elizabeth B. Hazlehurst, situated in the state of Pennsylvania, apart from and without dividing or taking into the division her said real estate situate in the state of New Jersey; and shall also be empowered in making such division, to award owelty of partition if and whenever it may in their judgment be necessary in order to equalize partition; now therefore,

Real estate of
Elizabeth B. Ha-
zlehurst author-
ized to be di-
vided, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the said Samuel W. Thackara, Abraham R. Perkins, Matthew Brooke Buckley, Beaton Smith and Benjamin M. Hinchman, and in case of the refusal or inability from any cause of any of them to act in the premises, the person or persons that may be appointed by the judges of the supreme court of Pennsylvania, in the place of such of the said above-named five persons as may refuse, or be unable to act in the premises, be and they are hereby authorized and empowered to divide the real estate of the said Elizabeth B. Hazlehurst, situate in the state of Pennsylvania, and the personal estate disposed of by her said will as above recited, taking into account the advancements made to her children in the manner directed by the said will, without dividing or taking into the division her real estate, situate in the state of New Jersey; and such partial division so made by them, shall be as firm and valid to all intents and purposes, as if it was of the whole estate disposed of by the said will, wherever the same may be situated; and the said persons so appointed as aforesaid, are hereby further authorized and empowered to award owelty of partition, if and whenever it may be necessary in their judgment to equalize partition, in the same manner as owelty of partition is authorized under proceedings in partition in courts of law or equity, under any acts of assembly of this commonwealth; and such owelty of partition shall be as valid and effectual as though express power to award it were contained in the said will.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 153.

AN ACT

Laying a tax on dogs in certain townships in the county of Chester; relative to elections in West Philadelphia; and to assessors in Millerstown, Perry county.

Assessors of the
townships of
East Whiteland,
Tredyffrin and
Charlestown,
Chester county,
to take an accu-
rate account of
all dogs, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the assessors of the townships of East Whiteland, Tredyffrin and Charlestown, in the county of Chester, shall annually, when taking the names of the taxable inhabitants of their respective townships, take an accurate account of all dogs upwards of one month of age, distin-

guishing between the males and females of the species owned, possessed Tax. or kept by any person or persons within their respective townships, noting the number owned or possessed by each person, and kept about any one house, and furnished to the auditors of their respective townships with the said account; whereupon the auditors of the said townships shall levy and cause to be collected annually, by the collectors of the county and state tax, who are hereby invested with like authority and power to collect said tax on dogs, as are the collectors of township rates and levies, from every person owning, possessing or keeping one dog, the sum of one dollar, and from every person owning, possessing or keeping two or more dogs, the sum of one dollar on one dog, two dollars on the second dog, three dollars on the third dog, continuing to increase in like ratio; and from every person owning, possessing or keeping one bitch or more, double the amount, as in the case of a like number of dogs; which tax shall be paid to the town clerk of the proper township, who is hereby constituted treasurer of the sheep fund thereof; and when any inhabitant of either of the said townships shall sustain damage by having sheep injured or destroyed within the same, by a dog or dogs, he or she may apply to the auditors of the said township, who are hereby appointed appraisers of the damage done by dogs to sheep, and they or any two of them, are hereby authorized and required to ascertain the amount of damage sustained by the owner of such sheep injured or destroyed as aforesaid, and certify the same.

SECTION 2. The treasurer of the sheep fund in each of the townships mentioned in this act, shall, if sufficient funds remain in his possession for that purpose, pay all orders for damage done to sheep in said township drawn on him by the appraisers thereof, which orders shall take precedence according to their respective dates; his accounts shall be audited and adjusted as the accounts of township officers are directed by law to be; and if at the expiration of any fiscal year, there shall remain in the possession of any treasurer a greater sum than fifty dollars, after paying all orders then due, it shall be the duty of the said treasurer to pay the surplus to the treasurer of the school fund of the district in which said tax was collected, to be applied to common school purposes therein, under the direction of the proper school directors.

SECTION 3. The said appraisers shall severally receive the sum of fifty cents per day for their services rendered in appraising damage done by dogs to sheep, to be paid by the person applying, which sum or sums shall be added to the amount of damages appraised; the collectors aforesaid shall be allowed five per cent. out of the money collected, and shall, if required by the auditors of their respective townships, give satisfactory security for the faithful performance of the duty assigned them by this act; and the treasurers aforesaid shall, if required by the auditors of their respective townships, give satisfactory security for the faithful performance of their trust; and in case of neglect or refusal so to do, the said auditors may in their respective townships, appoint a suitable person to fill said office until a successor shall be elected, and give the security required.

SECTION 4. Every dog kept or staying about any house, shall be deemed sufficient evidence of ownership to authorize the assessor to return the person inhabiting said house, as the owner or possessor of such dog; and any person sending his or her dog from house to house, or from place to place, in order to evade the said tax, shall be liable to pay double tax therefor; and every dog not returned shall be deemed to have no owner, and may be lawfully killed when running at large by any person; and any person having made a false return of his or

her dog or dogs subject to taxation, shall be entitled to no compensation for damage done by a dog or dogs to his or her sheep.

Damages.

SECTION 5. All bills for damage done to sheep in the townships aforesaid, now on file in the commissioners' office, shall be handed over to the treasurer of the sheep fund of the respective townships to which they belong, which bills shall first be paid by the said treasurer, said bills taking precedence according to the dates thereof; and all dog tax uncollected or in the hands of the collectors of said townships, shall be paid to the said township treasurers to be applied to the purposes specified in this act.

West Philadel-
phia, relative to
an election in.

SECTION 6. That the election required by existing laws to be held in the borough of West Philadelphia, on the third Friday of March instant, for borough and township officers, be and the same is hereby postponed until the first Wednesday of May next; and the power and authority of the present officers of said borough are hereby extended and continued until superseded by the officers elected on the said first Wednesday of May next, and said officers shall hold their offices for the same period as if elected on the third Friday of March instant.

Millerstown bor-
ough, Perry
county, relative
to election of as-
sessors, &c., in.

SECTION 7. That the qualified voters of the borough of Millerstown, in the county of Perry, shall be authorized to elect an assessor and two assistant assessors, in the same manner as the several townships in said county are now authorized to elect; and that the assessment made for the year one thousand eight hundred and fifty, is hereby declared legal.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No 154.

AN ACT

Relative to courts and lost deeds in Carbon county.

Preamble.

WHEREAS, The public buildings of the county of Carbon have been destroyed by fire, and some portions of the records of said county as well as some original sheriffs' and treasurers' deeds were destroyed, and it is right that some measures should be provided for supplying the loss of the same without unnecessary delay; therefore,

Sheriffs' and
treasurers' deeds
in Carbon coun-
ty, relative to the
destruction of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, 'That on petition presented to the court of common pleas of Carbon county, verified by affidavit, setting forth the loss or destruction of any sheriffs'*

or treasurers' deeds for lands in said county, by means of the recent fire or otherwise, to take such measures as the said court shall deem advisable in relation to supplying the loss of such deeds by receiving secondary evidence of their contents, giving such notice to the parties interested as the court will think best calculated to apprise them of the application; and if the said court, after having received such evidence, shall deem the same sufficient, direct the same to be recorded in the office for recording of deeds of said county, and the same or certified copies thereof shall thenceforth be as competent evidence of the execution, acknowledgment and delivery of such deeds as the originals would be if offered.

SECTION 2. That so much of the act, entitled "An Act to change the time of holding the courts of common pleas in the counties of Tioga, Warren and Carbon," approved the twenty-second of January, one thousand eight hundred and fifty, as relates to the county of Carbon, shall not take effect until the first day of May next; and that all writs and processes issued since the passage of the said act, shall be deemed to be returnable at April term, one thousand eight hundred and fifty, as if the said act had not been passed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 155.

AN ACT

To provide for the election of certain officers in Spruce ward, Reading.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of Spruce ward, in the city of Reading, are hereby authorized to elect, at the next spring election, and at each subsequent spring election, as often as the same may become necessary, one assessor and two assistant assessors for the said ward, with the same duties, rights and privileges as are possessed by the same officers in other wards of the said city: *And it is further provided,* That the duties, rights and privileges of said officers shall commence immediately after said election, and continue to the end of the term for which they shall have been elected.

SECTION 2. That it shall be the duty of the commissioners of the county of Berks, to appoint a tax collector for the said ward, who shall of

Spruce ward,
Reading, rela-
tive to elections
in.

Tax collector for
said ward, duties

perform the same duties, and enjoy the same rights and privileges, as are performed and enjoyed by other tax collectors, in other wards of said city.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirteenth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 156.

AN ACT

Erecting part of West Brunswick township, Schuylkill county, into a separate school district, to be called North school district; relative to a school district in Indiana county; and to the spring elections in the borough of Harrisburg; and relative to Beaver township, Jefferson county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of West Brunswick township, in the county of Schuylkill, lying within the following bounds, to wit: beginning at the north-west line of Centre school district and the boundary line of the borough of Orwigsburg; thence eastwardly along said Centre school district, to intersect the line between West and East Brunswick township; thence northwardly along the line of said West and East Brunswick townships, until it intersects the line of said West Brunswick and Blythe township; thence westwardly along the line of said West Brunswick and North Manheim township; thence southwardly along the line of said West Brunswick and North Manheim township, until it intersects the centre turnpike road; thence along said centre turnpike road, until it intersects the boundary line of the borough of Orwigsburg; thence along said borough line, until it intersects the place of beginning, be and the same is hereby erected into a separate school district, to be called North district.

Part of Brunswick township, Schuylkill county, erected into a separate school district to be called North district.

Clarksburg school district.

SECTION 2. That from and after the passage of this act, the territory within the following boundaries, in the county of Indiana, viz: beginning at the farm of Robert Kelly; thence to the farm of Michael Friends; thence to the farm of William Fairman; thence to the farm of James M'Kelog; thence to the farm of Thomas Elder; thence to the farm of George Reed, esquire; thence to the farm of Samuel Russel, now occupied by George Duffield; thence to John Coleman's mill; from thence to the place of beginning, to include the above named farms and mill, shall be and the same is hereby erected into a separate school

district, to be called Clarksburg district, and as such shall have power to elect all such officers, and have all the rights and privileges granted by law to other school districts; and the elections thereof shall be held at John G. Thompson's office, in said district, until a school house be erected in and for said district; then the elections of said district to be held at said school house, and on the day and in the manner provided by law for holding the elections in the adjoining districts; and the qualified electors of said district shall, at their first election, elect three school directors for the said district, one to serve one year, one to serve two years, and one to serve three years; and there shall be elected in each year, one or more directors to fill the vacancy or vacancies that may occur, and said election shall be conducted by two qualified electors, as may be present at the time for opening said election; and the said directors shall have power to levy, assess and collect all school tax for said district, and to receive for the use of said district so much of the state appropriation as belongs thereto.

SECTION 3. That at all spring elections hereafter held in the borough of Harrisburg, the candidates for justice of the peace and constable, shall be voted for on separate tickets.

SECTION 4. That all that part of Beaver township, in the county of Jefferson, which was heretofore taken from Ringgold township, upon the erection of Beaver township, so far as relates to schools and the collection of school taxes, shall be held and regarded as if no division of Ringgold township had been made; and the school directors of Ringgold township shall have power to exercise their authority as such, over all that part of Ringgold township incorporated into the boundaries of Beaver township, with like power and authority as if the act erecting Beaver township had not been passed.

Borough of Harrisburg, relative to election of justices of the peace and constables in.

Beaver township, Jefferson county, relative to parts of.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 157.

AN ACT

Relating to a certain map of Smethport, M'Kean county; and relative to the state map.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the recorder of deeds for the county of M'Kean is hereby authorized*

Recorder of
M'Kean county
required to file a
certain map of
Smethport, &c.

and required to receive and file in his office, a certain map of the village of Smethport, in said county, which map was made and subscribed by John King, surveyor, and by the said John King affirmed to on the twenty-first day of January, one thousand eight hundred and fifty, before Lewis R. Hawkins, a justice of the peace in said county, together with the description thereto attached and affirmed to, and signed by the said John King as aforesaid; and that the said recorder make or cause to be made, an accurate copy thereof on the book kept for the recording of deeds in said county, which map and description when so filed, and the copy thereof so made as aforesaid, shall be received and read in all suits or actions where the same may be relevant as evidence of the matters contained.

Resolutions rela-
tive to the plates
of the state map,
continued for
three years.
Proviso.

SECTION 2. That the provisions of resolution number thirteen, granting to Rufus L. Barnes and William E. Morris, the use, on certain conditions, of the plates of the state map, which resolution was approved March fifteenth, one thousand eight hundred and forty-seven, be and the same are hereby continued for the period of three years from the fifteenth of March, one thousand eight hundred and fifty: *Provided however*, That said Rufus L. Barnes and William E. Morris, shall furnish to any school director applying for the same, for the use of any public school in this commonwealth, copies of said map properly mounted and colored, at the cost of three dollars per copy.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 158.

AN ACT

To incorporate the Franklin hall association of the borough of Chambersburg, Franklin county, Pennsylvania.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George S. Eyster, James Nill, Thomas J. Early, Robert M. Bard, William Heyser, Samuel Seibert, Frederick Smith, Lewis Denig, James Chariton, and their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style and title of "The Franklin hall association of the bor-

Style.

ough of Chambersburg, and county of Franklin," and by that name shall have perpetual succession, and be able to sue and be sued, plead Privileges. and be impleaded in any court of law or equity; and to take and to hold to them and to their successors, either by grant, gift, devise or release any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and hold for the use of said association, any goods or chattels, sum or sums of money by gift, grant, bargain, sale, will, devise or bequest from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell for the use of said association; and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs of said association: *Provided*, That the real estate of which the said corporation shall be at any one time possessed, shall not exceed the clear yearly value of three thousand dollars. Proviso.

SECTION 2. The persons hereinbefore named are hereby appointed commissioners, to do and perform the several acts and things herein-after mentioned; that is to say, they or such of them as shall act in the premises, not less than five, shall as soon as conveniently may be, and within three months next after the passage of this act, procure and open a suitable book or books at such time and place as they may designate, in the borough of Chambersburg, of which time and place at least ten days' previous public notice shall be given in one or more newspapers published in the borough of Chambersburg, in which book or books they shall enter as follows: "We whose names are hereunto Subscription. subscribed, do promise to pay to the trustees and company of the Franklin hall association of the borough of Chambersburg, and county of Franklin, the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the trustees of said association. Witness our hands and seals the day of

Anno Domini, one thousand eight hundred and fifty;" and at the time and place so designated and named in the public notice to be given as aforesaid, the said commissioners by themselves, or by committees to be by them appointed, shall attend for the purpose of opening the books and to receive subscription for stock; and the said books shall be kept open at least six hours on each day, at the time and place designated in the public notices to be given as aforesaid, and in case eight hundred shares of stock, being the capital stock of said association, be not all sold on the day of the first opening of the books, the number remaining unsold may afterwards be disposed of at such time and place, under and such regulations as the trustees for the time being may order: *Provided*, That no subscription for such stock shall be valid unless the party or parties making the same, shall at the time of subscribing, pay to so said commissioners one dollar on each and every share for the use of the association.

SECTION 3. The said commissioners, or at least five of them acting in the premises as aforesaid, shall as soon as conveniently may be after four hundred shares of the stock are subscribed, appoint a time and place for the subscribers to meet in order to organize the said association, and shall give at least ten days' previous notice thereof, in one or more newspapers in the borough of Chambersburg aforesaid; and the said subscribers when met, shall by ballot elect, by a majority of the voters present, five trustees, citizens and residents of said county, to Trustees. conduct and manage the affairs and business of said association, until the first Monday of May of the next following year, and until others are chosen; and shall annually thereafter, at such time and place as the by-

- laws of the said association shall provide, elect five trustees to serve as aforesaid ; and the three commissioners first named shall be the judges of the election of trustees ; and the judges of all future elections shall be appointed by the trustees for the time being, and the notice of such elections shall be given in such manner as the by-laws shall provide : *Provided*, That each stockholder shall have one vote for each share of stock not exceeding five shares, and one vote for every two shares above five and not exceeding eleven, and one vote for every three shares above eleven and not exceeding twenty, and one vote for every five shares above twenty : *And provided also*, That no person shall have more than twenty votes at any election, or in determining any question arising at any meeting of the said stockholders.
- Object.** SECTION 4. The object of said association shall be to provide, erect and furnish a hall or suitable building or buildings in the borough of Chambersburg, for the accommodation of the various lodges of the Independent Order of Odd Fellows, established or to be established there, for beneficial and other associations, and suitable also for a room to be used for public meetings, and rooms for offices.
- Seal.** SECTION 5. It shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew as they shall think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed.
- Trustees, powers of.** **Officers.** SECTION 6. The trustees for the time being, or a majority of them, shall have power to carry out the objects of the association as hereinbefore expressed ; to elect a president from their own body ; to elect a treasurer and secretary, and to appoint such other officers and agents as they shall deem necessary to carry out the objects aforesaid ; conduct and execute the business and affairs of said association ; to fix their compensation, and in their discretion to dismiss them ; to provide for the investment of the funds of the association in such manner as they shall deem most safe and beneficial ; to provide for paying all the necessary expenses of conducting the affairs of the association, and generally to pass all such by-laws as shall be necessary to the exercise of said powers, and of other powers vested in the association ; and the said by-laws from time to time to alter and repeal : *Provided*, That such by-laws shall not be contrary to the constitution and laws of this commonwealth or of the United States.
- By-laws.** **Proviso.** SECTION 7. It shall be the duty of the trustees, at least once in every year, to appoint from the members of the said association, three competent persons as a committee of examination, whose duty it shall be to investigate the affairs of said association, and to make report thereof ; and it shall also be the duty of the trustees, on the third Monday of April and October, in each and every year, to make and declare a dividend of the interests and profits of the said association, after paying its expenses, and the same to pay over to the stockholders or their legal representatives within thirty days thereafter.
- Committee of examination.** **Dividends.** SECTION 8. The burgess and town council of the borough of Chambersburg are hereby authorized and empowered to subscribe to the capital stock of said association, any such number of shares as they may deem right and proper ; in which event the said burgess and town council shall have the right to vote at the elections of said association, under the same provisions as private individuals.
- Burgess and town council of the borough of Chambersburg authorized to subscribe to capital stock.** **Reservation.** SECTION 9. The legislature hereby reserves the right to alter or amend the charter of the Franklin hall association, whenever, in their opinion, it may be injurious to the citizens of this commonwealth ; in

such manner, however, that no injustice shall be done to the corporation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 159.

AN ACT

To erect parts of Norwegian, Branch, Wayne and North Manheim townships, in the county of Schuylkill, into a separate school district; and relative to school districts in Armstrong, Indiana, Jefferson and Westmoreland counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all those parts of Norwegian, Branch, Wayne and North Manheim townships, in the county of Schuylkill, lying within the following boundaries, to wit: beginning at the north-eastwardly corner of Henry Biddle's farm, on the south side of the Sharp mountain, in Norwegian township; thence south twenty-three degrees east one hundred and ninety perches; thence south sixty-seven degrees west about five and three quarter miles (following nearly along the top of the Second mountain,) to opposite the west line of the Otto tract; thence north twenty-five degrees west about three hundred perches to the top of the Sharp mountain; thence north sixty-seven degrees east three and an half miles to the west line of the Jacob Zoll tract; thence along the lines of the said tract southwardly and eastwardly (excluding the same,) to the place of beginning, be and the same is hereby erected into a separate school district, to be called "the Allison school district."

Allison school district, Schuylkill county, erected.

SECTION 2. That Peter Allison be appointed judge, and Henry Biddle and George W. Betterton be and they are hereby appointed inspectors, to hold an election on the first Friday in March next, at Peter Allison's office, in Branch township, for the purpose of electing school directors for the above mentioned school district; the said judge and inspectors giving ten days' notice of the time and place of holding said election, by advertisement put up in three of the most public places in the said school district.

Officers.

SECTION 3. That all that part of Derry township, in Westmoreland county, within the following boundaries: commencing at Thomas Cobine's, at the western base of the Chestnut ridge, including the same; thence running westwardly to Lewis Mechesney's farm; thence in a southern direction to Alexander Mechesney's farm, including Shutt's house; thence running eastwardly including the farm on which Isaac

Part of Derry township, Westmoreland county, erected into an independent school district.

Grey now resides, and the farm of Alexander Hunter, to the base of said ridge, north of John Piper's; and thence north along the Chestnut ridge, including Alexander Trimbel's, to the place of beginning, be and the same is hereby constituted into a separate and independent school district, with full power to elect school directors, collect school tax, &c., conforming in all respects to the school laws of this commonwealth.

Officers.

SECTION 4. That Alexander Craig, Joseph F. Kerns and Andrew Mechesney are hereby appointed school directors for the term of one year, commencing on the tenth day of April next, and that thereafter the citizens of said district shall elect school directors; the president of the board, assisted by two citizens, shall open and hold said election, and in case of absence of the president, next senior member of the board; the election to be held at their public school house on the first Saturday of March, in eighteen hundred and fifty one, and in each succeeding year between three and six o'clock in the afternoon.

Milton school district, Armstrong county, erected.

SECTION 5. That all the territory embraced within the following described boundaries, to wit: beginning at the south-west corner of the farm of John B. Hunt, in Wayne township, Armstrong county; thence north including said farm, to Mahoning creek, at the point where the west line of John Mock's land crosses said creek; thence east so as to include the property of the said John Mock, and also the farm formerly owned by Isaac Hamilton, in Red Bank township, in said county, and also to include the farms of Hugh Allen and John McClelland, in Porter township, in Jefferson county; thence south to Mahoning creek, so as to include the farm of Robert Hamilton, in West Mahoning township, in Indiana county; thence west so as to include the farm of Thomas Allen, in said township, and also the farm of John Segar, in Armstrong county, to the place of beginning, be and the same is hereby erected into a separate and independent school district, to be called Milton, with all the rights and privileges that other school districts are now, or may hereafter be entitled to under the school laws of this commonwealth.

Election of school directors.

SECTION 6. That the qualified voters embraced within the boundaries of said district, shall on the second Friday of May, one thousand eight hundred and fifty, elect at the public school house in said district, six school directors for said district; two to serve one year, two to serve two years, and two to serve three years.

Officers.

SECTION 7. That Samuel Coleman is hereby appointed judge, and Thomas Allen and George Hunt inspectors, to hold and conduct said election, as other elections for school directors are by law directed to be held; and that they are hereby required to give five days' public notice of the time and place of holding said election, by written handbills, to be put up in five of the most public places in said school district.

Sub-school district erected out of parts of North Porter and South Porter townships, Jefferson county.

SECTION 8. That from and after the passage of this act, that part of the townships of North Porter and South Porter, in the county of Jefferson, embraced within the following described boundaries, to wit: commencing at a white oak tree on the farm of Philip Williron, in North Porter township, which tree stands about eight perches north of the state road passing through said farm; thence along the line between lands of said Williron and John Frease and others, due south four hundred and fifty perches to a post on the line between Snider and Botdorf, in South Porter township; thence through lands of Henry Frease and others, due east four hundred and sixty perches to a post on land of Peter Kailer, in South Porter township; thence through land of John Shafer and others, due north four hundred and fifty perches to a post on land of Henry Frease, in North Porter township; and from thence due west to the place of beginning, be and is hereby constituted a sepa-

rate sub-school district, subject to the supervision and control of the board of directors of common schools of North Porter township; and it is hereby made the duty of the board of directors of the township of South Porter, to pay or cause to be paid to the board of directors of the township of North Porter, annually, for the use of school in this sub-district, one-half as much money as they pay out to any other school in South Porter district; and the board of directors of the township of North Porter shall pay as much annually for the use of school to this sub-district as they do to any other school in North Porter district.

SECTION 9. That so much of the township of West Brunswick, in the county of Schuylkill, lying within the following boundaries, to wit: beginning at the river Schuylkill, at Jacob Petry's house; from thence to Patrick Reily's; from thence to William Ketner's; from thence to John Heim and Daniel Heim; from thence to Benjamin Boyer's; from thence to Moses Fritz's; from thence to Jacob Rath's; from thence to Philip Strause; from thence to the township line of North Manheim; along that line to the river Schuylkill, following the Schuylkill river to the place of beginning, be and the same is hereby erected into a separate school district, to be called the Schuylkill district.

Schuylkill school district, Schuylkill county, erected.

SECTION 10. That all those parts of Pinegrove township, in the county of Schuylkill, commencing at the Tremont township line, on the top of the Blue mountain, at a point between land of Baird and company, and Eckert, Guilford and company; thence along the eastern bounds of land of Eckert, Guilford and company, formerly Albright, Leonard, Felty, Eckert, Guilford and company, to lands of John Felty, Eckert, Guilford and company, to land of Benjamin Ayerigg, formerly Jacob Heberling; thence along the eastern bounds of said Benjamin Ayerigg, Eckert, Guilford and company, J. Moyer tract, to the top of the Swope mountain; thence along lands of Jacob B. Weidman, to the Lebanon county line; thence along the Lebanon county line to the Tremont township line, in the county of Schuylkill; thence along Tremont township to the place of beginning, be and the same is hereby erected into a separate school district, to be called West Pinegrove school district; that John Struphar be and he is hereby appointed judge, and John A. Dutter and J. M. Piersal inspectors, who are authorized to hold an election on the second Saturday in May next, at the house formerly occupied as a tavern by Joseph Sterner, in said township, for the purpose of electing school directors for the above mentioned school district; the said judge and inspectors first giving ten days' notice of the time and place of holding said election, by written advertisements, put up in five of the most public places in said school district.

West Pinegrove school district, Schuylkill county, erected.

SECTION 11. That all those parts of Donegall and Ligonier townships, Westmoreland county, contained within the following described boundaries: beginning near the dwellings of John Covin and George M Dowel, both of whom are included; thence west to Alexander Caven's, who is included; thence south-west, including Hugh Hutchison, to George Freeman, who is included, and west to include Alexander Campbell; thence south to include Michael Cunningham; thence south-east to include John Galbraith; thence east to include Thomas Lloyd, and south-east to include James Withdraw; and thence same course to include Robert Clark; thence east to include Jacob Craft and Jacob Ambrose; and thence north to the place of beginning, including the widow Yealey, be and the same is hereby erected into an independent school district, to be called the Pleasant Grove district, entitled to all the rights and privileges, and subject to all the restrictions contained in the school laws of this commonwealth; that Samuel

Pleasant Grove school district, Westmoreland county, erected.

M'Dowel, Alexander Cavin and William Galbraith, be and are hereby appointed to act as school directors, to serve for the term of one year from commencing on the twentieth day of March next instant; and the citizens of said district are hereby authorized to hold their election for school directors in their public school houses, on the first Saturday in March, in eighteen hundred and fifty-one, and in each succeeding year thereafter; the president of the board of directors, assisted by two citizens, shall open and hold said election, and in case of absence of the president, the next senior member of the board; and that the election be held between three and six o'clock in the afternoon.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 160.

AN ACT

To authorize Mary Swaine to sell certain real estate.

Preamble.

WHEREAS, Elizabeth Lightfoot, late of the borough, now city of Reading, in the county of Berks, in said commonwealth, did by her last will and testament, which has been duly proved and remains filed in the register's office at Reading, in said county, amongst other things give and devise unto Mary Swaine, formerly Mary Shoemaker, one of the daughters of her deceased uncle, Charles Shoemaker, the house and lot, with the appurtenances, in which the said testatrix then resided, it being lot number two hundred and ninety-six, in the said borough, now city of Reading, containing sixty feet north and south, and two hundred and thirty feet east and west, and bounded on the west by Fifth, formerly Callowhill street, east by Pearl alley, on the north by lot number two hundred and ninety-three, and on the south by Chestnut, formerly Hamilton street, having a two story brick house erected thereon, to have and to hold the same to the said Mary Swaine, for and during her natural life, free from all coercion and control of her husband, and not liable for his debts; and immediately after the decease of the said Mary, the said testatrix by her said will, did give and devise the said house and lot, with the appurtenances, to any child or children and grand-child or grand-children of the said Mary Swaine, which might survive the said Mary Swaine, such grand-child or grand-children, if any, to take such share as his, her or their parents would have taken, if he or she had survived his or her mother, to hold the same to said

child or children and grand-child or grand-children, his, her or their heirs and assigns forever; but if the said Mary Swaine should die without leaving any child or grand-child, then the said testatrix by her said will, did give and devise the said house and lot, with the appurtenances, to Margaret P. Smyth, formerly Margaret Shoemaker, a sister of the said Mary Swaine, for and during her natural life, and after her decease to her lawful issue, his, her or their heirs and assigns; but if the said Margaret should die without lawful issue, then the said testatrix by her said will, did give and devise the said house and lot, with the appurtenances, to her sister Ann Eliza, for and during her natural life, and immediately after her decease to her lawful issue, his, her or their heirs and assigns:

And whereas, The husband of the said Mary Swaine has been dead many years, and she has lawful issue, a son named Charles Shoemaker Swaine, who is between the age of twenty-two and twenty-three years, and who is married and has lawful issue, a son named Edward S. Swaine, of the age of nine months or thereabouts:

And whereas, The said house and lot is in such a state of dilapidation and decay, and is so unproductive and expensive that it would be greatly to the interest, benefit and advantage of the said Mary Swaine, and those entitled to said house and lot in remainder, that the same should be sold, and the money arising from said sale should be invested in real estate security, the interest thereof to be paid to the said Mary Swaine, annually, during her natural life, and the principal thereof immediately after her death, to be paid to the person or persons entitled thereto in remainder, according to the directions and provisions made and contained in said will; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

the said Mary Swaine shall have power and authority to sell said house and lot, with the appurtenances, at public sale on the premises, in one entire lot or in sub-divisions, for the best price that can be fairly and reasonably obtained for the same, and upon such terms as shall be most advantageous to herself, and the person or persons entitled to the same in remainder; and to make, execute and deliver to the purchaser or purchasers thereof, a good and valid deed or deeds for the same, in fee simple; and to invest the money arising from said sale in real estate security, in the city of Philadelphia, to be approved of by the orphans' court of the said county of Berks, the interest thereof to be paid to the said Mary Swaine, annually, for and during her natural life, and immediately after her death, the said principal to be paid to the person or persons entitled thereto in remainder, according to the directions and provisions made and contained in the said will of the said Elizabeth Lightfoot, deceased: *Provided,* That the said Mary Swaine, before she shall make such sale, shall give security to be approved of by the orphans' court of Berks county, that she will well and faithfully sell the said house and lot for the highest and best price that can fairly and reasonably be obtained for the same, and that she will with the approval of said court as aforesaid, fairly, honestly and faithfully invest the proceeds of the sale of said house and lot, in real estate security in the city of Philadelphia, upon the said trust as aforesaid: *And provided* further, That before the said Mary Swaine shall sell under this act, she shall first obtain on her petition, an order, adjudgment or decree of the orphans' court of Berks county, that the same would be to the ad-

Mary Swaine authorized to sell certain real estate.

Proviso.

Proviso.

vantage and benefit of the said Mary Swaine, and of those entitled to the said house and lot in remainder, and approving the same.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, eighteen hundred and fifty.

WM. F. JOHNSTON.

No. 161.

AN ACT

To incorporate the Keystone mutual life and health insurance company of Harrisburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Luther Riley, Augustus O. Heister, John H. Berryhill, Thomas H. Wilson, Stephen Miller, John P. Rutherford, John W. Wilson and Daniel W. Gross, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of the Keystone mutual life and health insurance company of Harrisburg, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattles of whatsoever kind, and choses in action, and the same sell and dispose of from time to time; and also, to make and have a common seal, and the same to alter and renew at pleasure; and also, to make, ordain, establish and put in execution, such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the corporation, and for the management of its property and the regulation of its affairs, not being contrary to this charter and the laws of this commonwealth or of the United States; and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact, for the well-being of said corporation: *Provided, That* the clear yearly value of the lands and tenements of said corporation, including those held for its own use and accommodation, shall not exceed two thousand dollars: *And provided, That* nothing in this act shall be construed to allow said corporation to exercise banking privileges.

Corporators.

Style.

Privileges.

Proviso.

SECTION 2. There shall be an original guaranty capital stock, not to exceed one hundred nor less than fifty thousand dollars, to be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation by each subscriber to the said guaranty capital, at the time of subscribing, an installment of five dollars on each share of stock by him or them so subscribed, and the remaining sum due on each share shall be paid in such installments, and at such times as the financial condition of the company shall require, to enable it to liquidate all claims or demands upon the treasury for losses or expenses; such installments to be equally assessed on all stock so subscribed for; all installments to be paid within thirty days after notice of the same by the directors; the directors shall have power to require security on all stock subscribed for, if they deem it expedient for the safety of the company, and generally to adopt that course they think best calculated to advance the interest of the institution.

SECTION 3. The corporation hereby created shall have the power to insure the lives or health of the stockholders of said company as well as all other persons who shall make application for that purpose; and to make all and every insurance appertaining to or connected with life or health risks of whatsoever kind or nature, and to receive and execute trusts, to make endowments and to grant and purchase annuities; and it shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent, as her trustee, to cause to be insured for her sole use, the life or health of her husband, for any definite period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors; and in case of the death of the wife, before the death of her husband, her amount of insurance may be made payable after her death, to her children, for their use, or to their guardian, if under age.

SECTION 4. All the corporate powers of said corporation shall be exercised by a board of directors, and such officers and agents as they may appoint; the board of directors shall consist of at least eight persons, to be elected from among the stockholders; they shall annually elect from among the members of the corporation, a president and vice president, who shall continue in office for one year, or until others are elected in their place; and the directors shall have power to declare by by-laws, what number of directors less than the whole, shall form a quorum for the transaction of business.

SECTION 5. All persons who shall hereafter insure with said company, shall become members during the period they shall remain insured by said company, and no longer, and shall be entitled to one vote at all elections for officers of said corporation.

SECTION 6. Every person who shall become a member of this corporation by effecting insurance therein, shall pay such rates of premiums as shall be fixed upon and determined by the directors, before he receives his policy; no member so insured shall be liable for any losses or expenses of said company, beyond the amount of his or her premiums so paid to said corporation.

SECTION 7. The directors may determine the rates of premiums and terms of insurance, and the sum to be insured from time to time as they may deem expedient.

SECTION 8. It shall be lawful for said corporation to invest its capital, premiums or profits, in bonds and mortgages, ground rents, stocks and loans of the United States, and state of Pennsylvania, and to sell, transfer, &c., in.

and change the same, and re-invest the funds of said corporation when the directors shall deem it expedient.

Statement of affairs of company. **SECTION 9.** The directors shall, on or before the first Monday in January of each year, cause a statement of the affairs of the company to be made, and a balance to be struck, of the profit and loss account; and if there shall be any ascertained profits or surplus after paying all losses and expenses of the company for the preceding year, and providing for outstanding risks, the directors shall first set apart said profits, and divide therefrom among the subscribers to the guaranty capital, a sum not exceeding six per cent. per annum on the stock held by them: *Provided*, So much of said profits remain, after paying said losses and expenses and providing for said risks; and in case there is not sufficient remaining as aforesaid to pay aforesaid dividends of six per cent. to the stockholders in any one year, the same may be made good and payable at a subsequent period, when the net resources of the company shall be sufficient for that purpose.

Proviso.

Dividends.

SECTION 10. After providing for all risks, losses, incidental expenses and dividends, as specified in the preceding sections, then a moiety or half part of the remaining profits and surplus, if any there be, shall be reserved by the directors and applied by them towards paying off the capital stock which shall have been subscribed, before striking off the balance of the affairs of corporation as aforesaid, and the other moiety or half part of said remaining profits and surplus, may be divided among the persons insured, according to their respective interests; but no dividend whatever shall be made whereby the capital stock of said corporation shall be reduced or impaired, only as provided for above.

Forfeiture of policies.

SECTION 11. In case of the death of any stockholder, or person insured, the amount standing to his or her credit, if any, shall be paid over to his or her legal representatives, within sixty days after proof of the same; the profits and dividends of such stockholders and persons insured, as have ceased to comply with the rules and regulations of the company by non-payment of premiums, or a renewal of the policy of insurance, shall be forfeited to the use of the company.

Annual statement.

SECTION 12. Within thirty days after the first Monday in January, one thousand eight hundred and fifty one, and annually thereafter, the directors of said company shall cause to be made, a general balance statement of the affairs of said company, which shall be entered in a book prepared for that purpose; such statement shall contain—

Exhibit.

I. The amount of premiums received during the previous year, and the amount of interest received from investments and loans.

II. The amount of expenses for the same period.

III. The amounts of losses incurred within the same terms.

IV. The balance remaining with the said company.

V. The nature of the securities in which the said balance is invested, and the amount of cash on hand, also, a full account of existing policies; and the directors shall cause the said statement to be published at least in one newspaper published in Harrisburg, for two weeks.

Business, where to be carried on.

SECTION 13. The business of the said corporation shall be carried on at such place in the borough of Harrisburg, as the directors shall direct, and at such agencies out of Harrisburg, as they may establish; and the first meeting of this corporation shall be held as soon as practicable after the passage of this act, at which time eight directors shall be elected by ballot; also, a president and vice president to serve until the end of the financial year, or until others are elected in their place; the said directors shall pass all by-laws, rules and regulations necessary for the good government of the affairs of the company; they shall determine the rates of insurance and the amount of each risk, they

shall have the power of calling meetings and fixing stated periods for the same; also, to appoint such officers, agents and clerks, and fix the salaries of the same, as they shall deem necessary and expedient for the transaction of the business and the good of the corporation.

SECTION 14. If any director, officer or other person connected with this institution, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person, any money or other property belonging to said institution, or left with it as a special deposit or otherwise, he or they upon conviction thereof in the court of quarter sessions, shall be fined in a sum not less than five hundred dollars, and be sentenced to and undergo an imprisonment in the penitentiary or county prison, for any term not exceeding two years, at the discretion of the court: *Provided*, That this conviction shall not prevent any person aggrieved from pursuing his or her civil remedy against such person or persons.

Punishment for embezzlement.

SECTION 15. Every person who shall subscribe to the capital stock of this company, shall be liable for the amount of his, her or their stock so subscribed, and the amount of premiums paid by them for insurance and no farther.

Liability of subscribers.

SECTION 16. The board of directors may fill vacancies in their body, occasioned by death, resignation, removal or refusal to act, the said appointments to continue until the next annual election of directors; the election for directors shall be held on the first Monday of January in each year, at such place in the borough of Harrisburg, and at such an hour in the day as the directors shall designate, of which time and place the secretary shall give notice at least two weeks' previous, in one or more newspapers published in Harrisburg, and the directors shall appoint three persons from among the stockholders to conduct said election; such election shall be by ballot, and a plurality of votes given shall elect; each shareholder shall be entitled to vote as follows: for one share one vote, for three shares two votes, for six shares three votes, for ten shares four votes, for sixteen shares five votes, for twenty-five shares six votes, for thirty five shares seven votes, for fifty shares eight votes, for seventy-five shares nine votes, for one hundred shares and upwards ten votes; absent stockholders may be represented by proxy.

Vacancies in board of directors, how supplied.

SECTION 17. No person shall be eligible to the office of director, secretary, treasurer or actuary, who does not hold at least five shares of the guaranty capital stock; all officers, agents, clerks and physicians of the company must effect insurance on their life, or on the life of some other person in this company, for such amount and for such length of time as the by-laws may require.

Officers, persons not eligible to.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 162.

AN ACT

To incorporate the Diligent society of Delaware county, for the detection of horse thieves and the recovery of stolen horses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Diligent society of Delaware county, for the detection of horse thieves and the recovery of stolen horses, is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Diligent society of Delaware county, for the detection of horse thieves and the recovery of stolen horses;" and by the same name shall have perpetual succession, and be able to sue and be sued in all the courts of Pennsylvania and elsewhere, and shall be able to purchase, receive, have, hold and enjoy, to them and to their successors, lands, tenements, hereditaments, rents, annuities, franchises, goods and chattles, of what nature, quality or kind soever, real, personal or mixed, or choses in action, and shall have power the same from time to time to sell, grant, alien and dispose of: *Provided,* That the clear yearly income of the lands and tenements, goods and chattles, shall not exceed three thousand dollars; and also, to ordain, establish and put in execution such subordinate laws and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution of the United States or of this commonwealth, and generally to do all and singular such matters and things which to them it shall lawfully appertain to do, for the well-being of the said corporation, and the proper management of its affairs.

SECTION 2. That this society shall consist of all such persons as are now members or shall hereafter be admitted as such, agreeably to the by-laws of said society.

SECTION 3. That the officers of the society shall consist of a president, secretary and treasurer, and such others as the society may think proper to elect; the duties of said officers shall be particularly set forth in the by-laws of said society.

SECTION 4. That the officers shall be chosen by ballot at a general meeting of the said society, on the first Thursday of September annually, to continue in office for one year, or until their successors be elected.

SECTION 5. That the funds of the society shall be exclusively appropriated to the payment of rewards offered for, and the expenses incurred in detecting horse thieves and recovering stolen horses, and defraying the necessary costs attending the meetings of the society.

SECTION 6. That the legislature reserves the right to alter, amend or annul the charter at any time hereafter.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 163.

A N A C T

Relating to conveyances by trustees.

WHEREAS, Many deeds have been made by trustees through their attorneys for lands in this state, who from residence abroad, or other cause, could not personally act in the premises, and is expedient that a convenient mode should be provided for passing titles in such case; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That any trustee, executor or other person acting in a fiduciary character, with power to convey lands or tenements in Pennsylvania, may make conveyance under such power by and through an attorney or attorneys duly constituted, and such conveyance shall be of the same validity as if executed personally by the constituents; and all conveyances so heretofore bona fide made by such trustees, are hereby confirmed: *Provided,* That nothing herein contained shall authorize any person so acting in fiduciary character, to delegate to others the discretion vested in himself for the general management of his trust.

Trustee or executor in a fiduciary capacity, may make conveyance by attorney.
Proviso.

SECTION 2. All powers of sale contained in any instrument which has heretofore been made or delivered by any person or persons, to his, her or their agent or attorney in fact, and all powers to sell or let real estate on ground rent, contained in any deed, will or other instrument heretofore executed, shall be deemed and taken to authorize sales, conveyances and leases, either public or private, unless expressly restricted by the instrument to one or the other mode, and all private sales heretofore bona fide made under such powers are hereby confirmed.

Relative to sales, conveyances, &c.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 164.

AN ACT

Authorizing Harrison Cain to sell and convey certain real estate in Butler county.

Preamble.

WHEREAS, James Cain, late of Butler county, deceased, by his last will and testament duly recorded in the register's office of said county, did grant and devise to his six children, a certain tract of land situate in Buffalo township, in said county, containing one hundred and fifty-nine and one-half acres and allowance, bounded and described as follows: beginning at a chestnut; thence by lands of Isaac Haws north eighty-six and three-fourths degrees east one hundred and fifty-five and three-fourths perches to a black oak; thence by land of John Ketley north sixty-two degrees east one hundred and twenty-two perches to a white oak; thence by land of the said John Ketley north twenty-seven degrees west sixty-nine perches to a post; thence by land of William Coleman south eighty-seven and one-half degrees west one hundred and thirty-eight perches to a beach; thence by lands of Daniel Grant and Isaac Haws south three degrees east one hundred and seventeen and six-tenths perches to the place of beginning:

And whereas, Harrison Cain, one of the heirs of the said James Cain, is a minor under the age of twenty one years, without guardian, and is desirous of selling his interest in the before described real estate, believing that the same can now be sold to his advantage; now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the said Harrison Cain be and he is hereby authorized and empowered to sell all the right, title and interest, either in possession, reversion or remainder of him the said Harrison Cain, of, in and to all the before described real estate; and to make, execute and deliver to the purchaser thereof, a deed in fee simple, which deed of conveyance shall be as good and effectual in law, to all intents and purposes, as if the said Harrison Cain at the time of the execution thereof, was of full age and in all other respects qualified and competent to make a legal and valid assurance of his interest aforesaid.

Harrison Cain, one of the heirs of James Cain, authorized to sell his interest in certain real estate.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 165.

AN ACT

Authorizing the canal commissioners to examine the claims of William H. Richardson and company, for the destruction of salt works on dam number two, on the Kiskiminetas river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and directed to examine the alleged claims of William H. Richardson and company, for the destruction and loss of a salt well and works in repairing dam number two, on the Kiskiminetas river, for occupation of houses by the state hands, and for stone and timber taken and used for said dam, and for stoppages of their saw mill by backwater from the pool of said dam; and to assess the damages they shall deem the claimants justly entitled to, and report the same to the legislature, if, in their opinion, the said claimants be entitled to any.

Canal commissioners authorized to examine claim of Wm. H. Richardson, &c.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 166.

AN ACT

To confer on Edgar Monroe Ruhl, of York county, the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Edgar Monroe Ruhl, son of Noah and Maria Ruhl, of Shewsbury township, York county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and shall be able and capable

LAWS OF PENNSYLVANIA,

in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.



No. 167.

AN ACT

Supplementary to an act passed Anno Domini one thousand eight hundred and thirty-four, incorporating the borough of Shrewsbury, in York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act it shall be lawful for the town council of the borough of Shrewsbury aforesaid, to survey, lay out and open the necessary streets and alleys in said borough: *Provided, That* no street or alley shall be laid out or opened unless by a petition signed by a majority of the taxable inhabitants of said borough, asking or praying the said council to lay out and open the same; and any damages that may accrue in consequence of said laying out and opening, shall be determined by five disinterested persons, chosen from the adjoining townships, two of whom shall be chosen by the damage claimants, and two by the said town council, and the fifth to be chosen by the consent of both parties, who shall receive for their services each one dollar per day; which sum, together with the amount of damages, shall be paid by said corporation.

Lay out streets
and alleys.
Proviso.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 168.

AN ACT

To establish a ferry at Alexander Guffey's salt works, in Westmoreland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful from and after the passage of this act, for Alexander Guffey, his heirs and assigns, at his and their own proper costs and charges, to make good and convenient landings upon both sides of the Youghiogheny river, opposite the said Alexander Guffey's salt works, or nearly opposite to the same; and he shall at all times hereafter maintain the same in good order and repair, fit for men, horses, carriages, wagons and cattle to pass and re-pass; and further, the said Alexander Guffey, his heirs and assigns, shall provide and maintain good and substantial boats and other craft, and careful ferrymen, who shall duly and constantly, as occasion may require, attend for the purpose of transporting travelers and others, their cattle, horses and carriages and wagons over the said river; which ferry shall be subject to such rules, rates and regulations as the court of quarter sessions for the county of Westmoreland may in future direct and appoint, and the said court is hereby invested with all the power necessary in the premises; and the rates of transportation shall be as follows, until the said court shall fix such rates, to wit: six cents for a man and horse in day time, and eight cents at night; three cents for a footman; for a one-horse carriage twelve and a half cents, and twenty cents at night; for a two-horse wagon twenty cents, and for a four-horse wagon thirty cents in day time, and forty cents at night: *Provided*, That nothing in this act contained shall be so constructed to vest in the said Alexander Guffey, his heirs and assigns, a right to land any boat or boats upon any landing belonging to any other person or persons, without their consent first had and obtained.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 169.

AN ACT

To authorize the sale of certain real estate in Chester county; and relative to the Protection mutual fire insurance company of said county.

Preamble.

WHEREAS, Joseph Cope, Nathan Sharples and Jesse Hoopes, in the year one thousand seven hundred and eighty, became seized in fee of a certain lot of ground containing two acres and forty perches, situate in the township of East Bradford, in the county of Chester, which they held in trust for members of the society of Friends, (commonly called Quakers,) belonging to Concord, Bradford and Goshen monthly meetings of said society, living contiguous to said land, for the purpose of a school for said members, and upon trust that whenever any of said trustees should die or cease to be members of said society, others should be appointed by a majority of said members, living contiguous to said land, and that upon request of a majority of said members, the said trustees should convey the same to other trustees for the same purposes:

And whereas, On the sixth of April, one thousand eight hundred and twenty-three, by request as aforesaid, the said trustees did convey the said land and school house thereon erected, to James Taylor, Thomas Hoopes, junior, and others, in trust for the same purposes, and the said James Taylor and Thomas Hoopes are the only remaining trustees:

And whereas, The said property has ceased to be used for the purposes aforesaid, and in consequence of a division in the said society and of the establishment of public schools in the vicinity, it is not probable the said property will again be used for the purpose for which it was conveyed in trust, it is therefore desirable the same should be sold and the proceeds distributed for the benefit of those for whom it was originally intended:

And whereas, Each branch of the said society since their separation has a preparative meeting established in West Chester, and all, or nearly all the members who were or would be interested in the said school house and land, belong to one or the other of said preparative meetings; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Taylor and Thomas Hoopes, trustees of a certain school house and lot of ground in East Bradford township, Chester county, containing two acres and forty perches, be and they are hereby authorized to sell at public sale, after three weeks' public notice given of the time and place of sale, the said school house and lot of ground; and after payment of the necessary expenses attending the same, distribute the balance of the proceeds equally between the two preparative meetings of the people commonly called Quakers, established in West Chester, in the said county of Chester, to be appropriated by the said meetings respectively in the repairs of their respective meeting houses or burial grounds.

SECTION 2. If either of the said trustees shall refuse to act in the premises, it shall be lawful for the other trustee to take upon himself all

James Taylor
and Thomas
Hoopes author-
ized to sell cer-
tain school
house and lot of
ground.

the duties enjoined by this act, and immediately after sale and realization of the proceeds as aforesaid, give notice by advertisement, published three successive weeks in a newspaper printed in said county, that the said proceeds are ready for distribution under the provisions of this act, which advertisement shall be considered sufficient notice to the said meetings, of their right to claim the said proceeds; and if either of the said meetings shall neglect or refuse to demand and receive its proportion of the said proceeds, for the space of three months after notice as aforesaid, in such case the whole of said proceeds shall be paid to, and held and appropriated by the other of said meetings.

SECTION 3. The said trustees or trustee who shall sell the said land, shall convey the same to the purchaser in fee simple, by deed duly executed and delivered, and the said purchaser shall thereby become vested with all estate or estates therein. Deed.

SECTION 4. Before a sale of the said land shall be made, the said trustees or trustee who shall be willing to sell the same, shall give bond in the name of the commonwealth, with security, to be approved of by the court of common pleas of said county, conditioned for the faithful distribution of the proceeds aforesaid, agreeably with the provisions of this act. Trustee to give bond.

WHEREAS, It is represented to the legislature, by the petition of all the parties interested, that Morris Dickinson and Mary Ann, his wife, of Chester county, in September, eighteen hundred and forty-eight, entered into a parol contract to sell and convey to Joseph Morris Way, the undivided moiety of a tract of land situate in West Marlborough township, in said county, bounded by lands of Ann Gest, Elisha B. Taylor, Abiah Cope, George Mitchell, and others, containing about seventy-one acres, more or less, which the said Mary Ann held under the will of Jeremiah Bernard, deceased, subject to the life estate of her mother, Mary Way, which sale was for full value, to wit: two thousand five hundred and ninety-one dollars fifty cents, payable at the death of the said Mary Way; that the said Mary Ann Dickinson died before the execution of the said contract, intestate, leaving one child, Mary Ann Dickinson, to whom her estate descended, and for whom Elisha B. Taylor is guardian; that it is desirable the said contract be specifically executed, and there is now no authority in the courts to carry it into execution; therefore, Preamble.

SECTION 5. *Be it further enacted,* That Elish B. Taylor, guardian of Mary Ann Dickinson, a minor child of Morris Dickinson and Mary Ann, his wife, of Chester county, be and he is hereby authorized to make and execute a deed conveying to Joseph Morris Way, in fee simple, all the estate and interest of the said minor, in the above described tract of land, upon the said Joseph Morris Way executing a mortgage securing the payment of the said sum of two thousand five hundred and ninety-one dollars fifty cents, to the said Mary Ann Dickinson, at the death of the said Mary Way, to be the first lien upon the said tract. Guardian of Mary Ann Dickinson, minor, authorized to make and execute deed, &c.

SECTION 6. That every person who shall become a member of the Protection mutual fire insurance company of Chester county, shall, in case of loss or losses by the said company, by reason of insurances of property made by the same, be liable for the payment of his or her proportion of the said loss or losses, according to the amount of his or her insurance in said company, but in no event shall the insurance be liable for the payment of a proportion of said loss or losses exceeding his or her deposit or premium paid or secured to be paid to said company; and so much of the act of March fifteenth, A. D., one thousand eight hundred and forty-eight, entitled "An Act to incorporate the Protec- Protection mutual insurance company of Chester county, relative to.

tion mutual fire insurance company of Chester county," as is inconsistent with this act, is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST.

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 170.

AN ACT

To establish a ferry in Westmoreland county, at Suter's saw mill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Eli Suter and his heirs and assigns, shall have the right and privilege, at their expense, to make good and convenient landings on the east and west side of the Youghiogheny river, at Suter's saw mill, in Sewickly township, Westmoreland county.

Eli Suter and
heirs to have the
right to make
landings, &c.

SECTION 2. The said Eli Suter, his heirs and assigns, shall keep the said landings and ferry in good condition and repair, fit for the transportation and passage of men and horses and other animals, and carriages of all descriptions; and shall keep good and substantial boats and other necessary crafts, and competent and careful ferrymen, who shall constantly, as occasion may require, attend for the purpose of transporting travelers and others, cattle and carriages over the said river, with all reasonable diligence and attention.

To keep them in
good condition,
&c.

SECTION 3. That the said Eli Suter, his heirs and assigns, for keeping up and maintaining the said landings and ferry as aforesaid, shall receive from persons passing over said river at said ferry, such prices and charges as are customarily paid at other ferries on said river, subject to such rules and regulations as the court of quarter sessions of the county of Westmoreland may direct: *Provided*, That nothing in this act contained shall be so construed as to invest in said Eli Suter and his heirs and assigns, the right to receive or charge any travelers, cattle or carriages as aforesaid, on land belonging to any other person or persons, without the consent of the owner or owners of said land, or to prevent any future legislation from resuming the privileges hereby granted.

Tolls.

Proviso.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 171.

AN ACT

To incorporate the Female academy of the Visitation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Rebecca Harrison, Maria Jane Clark, Mary Scott, Ann M. Fulton and Georgiana Pearce, and others who may hereafter be associated together as members, according to the rules and regulations of this corporation, shall be a body corporate and politic, under the name, style and title of "The Philadelphia academy of the Visitation;" to have perpetual succession, to sue and be sued, to use a common seal and to alter and renew the same at pleasure, to take, hold and enjoy lands, tenements and hereditaments, and to sell, mortgage and incumber the same; and to make such by-laws and regulations for their rule and government, and for the admission of more members into the corporation, as they shall deem necessary and proper, and to enjoy all the rights and privileges granted to other bodies corporate and politic in this commonwealth, for literary and scientific purposes: *Provided*, That the said by-laws, rules and regulations shall not be repugnant to, or inconsistent with the constitution and laws of the United States, and of this state: *And provided also*, That the clear yearly income of the real estate to be held by said corporation, exclusive of the houses occupied by the society, and the grounds thereto attached, shall not exceed the sum of five thousand dollars: *And provided*, That no person shall be or remain a member of the corporation, except regular members of the association living in community and governed by the by-laws of the corporation.

SECTION 2. The principal objects and purposes of this corporation shall be the care and education of young females; and the president of the said academy, from time to time appointed according to the rules and regulations of the corporation, shall have power to grant to such young ladies as shall have studied in said institution, diplomas of excellence in the various branches of female education.

SECTION 3. No misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to or for the use of said corporation: *Provided*, It shall appear upon the face of the instrument that it was the intention of the party that the property or interest should pass to the corporation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 172.

AN ACT

To confer on Andrew M'Donald, of Washington county, the rights and privileges of a child born in lawful wedlock.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Andrew M'Donald, son of John and Mary M'Donald, of Nottingham township, county of Washington, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 173.

AN ACT

Authorizing the laying out of a state road from Allentown to Jonestown; and to repeal an act relating to road views in Jefferson county.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Marx, of Lehigh county, John Dressler, of Berks county, and John Brunner, of Lebanon county, be and they are hereby appointed commissioners to view and lay out a road from Allentown, Lehigh county, by Fogelsville, in said county, and Hamburg, Berks county, to Jonestown, Lebanon county, by the nearest and best route.

Commissioners.

Location.

Commissioners,
duties of.

SECTION 2. It shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act, with fidelity and impartiality, to carefully view the ground

over which the said road may pass, and lay out the same as near to a straight line from point to point, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees, excepting only at the crossing of ravines and streams, when by moderate filling or bridging the declination of the said road, it may be preserved within that limit.

SECTION 3. That it shall be the duty of the said commissioners plainly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one surveyor at a per diem allowance of two dollars, and two chain-carriers and one axeman, at a per diem allowance not exceeding one dollar; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed.

Further duties.

Surveyors, &c.,
pay of.

SECTION 4. That it shall be the duty of the said board of commissioners to make out a fair and accurate draft of the location of said road, respectively noting thereon the courses and distances as they occur, the improvements passed through, and also, the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof to be deposited in the office of the secretary of the commonwealth, on or before the first day of February, Anno Domini, one thousand eight hundred and fifty-one, and one copy in the office of the clerks of the courts of the respective counties in which said road may be laid out, on the day aforesaid, or as much sooner as practicable; and said road shall, to all intents and purposes, be a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

Draft of location.

To be filed.

SECTION 5. That the accounts of said commissioners for their own pay and the pay of the surveyor, chain-carriers and axeman, et cetera, shall be made out and returned to the commissioners of such counties in which said road may be laid out, in proportion to the time spent in the respective counties in locating said road; and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way.

Accounts of commissioners to be returned to the commissioners of the counties in which the road is laid out, &c.

SECTION 6. And the said commissioners shall meet on or before the first day of August next, or as soon thereafter as practicable, and complete the view of said road as soon as practicable; and if any vacancy or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duties.

Vacancies.

SECTION 7. That so much of the third section of the act, entitled "An Act relating to views of roads and damages in the counties of Monroe and Montgomery, and for other purposes," approved the seventh day of April, Anno Domini, one thousand eight hundred and forty-five, as relates to the county of Jefferson, be and the same is hereby repealed.

Repeal of provisions of certain act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 174.

A N A C T

Relating to the Wayne County mutual insurance company.

Required to publish annual report.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Wayne County mutual insurance company be and they are hereby required to publish their report annually, in one weekly newspaper of the county, for three successive weeks; and said report shall contain the number of members, the amount insured, the amount of premium notes, the amount of moneys received, the amount of losses during the year, and the date of such loss, and by whom the amount paid out for losses and expenses, and to whom, the amount of moneys in the treasury, and the amount of claims against the company; said report shall be made and published within four weeks after the annual meeting of the board of directors; in case of neglect or refusal, the said corporation, the president, secretary, treasurer, or either of them, shall forfeit and pay one hundred dollars, to be recovered in any court having competent jurisdiction.

Repeal.

SECTION 2. That the acts of the thirteenth of April, one thousand eight hundred and twenty-seven, and of twenty-third of April, one thousand eight hundred and twenty-nine, relating to foreign insurance companies or their agents, be and they are hereby repealed, so far as relates to Wayne county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 175.

A N A C T

Relative to ferries in Northampton and Monroe counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

it shall be lawful for the several courts of quarter sessions for the counties of Northampton and Monroe, to fix and adjust the rates of toll for crossing the Delaware river at any of the ferries, one of the landings of which is on the shores of either of said counties, upon petition thereto presented by any one interested or aggrieved; and if any person or persons having charge of said ferry or ferries, shall charge more than the rates of toll so as aforesaid fixed and adjusted, shall be liable to a penalty of five dollars for every such offence, to be recovered by such person as shall sue for the same, one-half for the benefit of the person suing, and the other half to the supervisors of the township, in the same manner as debts of like amount are recoverable: *Provided*, That persons engaged in carrying the United States mail shall not be charged more than twenty-five cents for four-horse wagon, stage or coach, and twenty cents for two-horse wagon, stage or coach.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 176.

AN ACT

To incorporate the president and managers of the Bald Eagle plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That A. G. Curtin, James Burnside, E. C. Humes, Thomas M. Hall, *Commissioners.* Samuel Lepton, John M. M'Minn, Charles Jeffries, William Underwood, John Adams, Clement Beckwith, Anthony Sharb and John Mathias, be and they or any two of them are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The Bald Eagle plank road company," *Style.* with power to construct a plank road, commencing at Milesburg, in Centre county, and thence up the north side of Bald Eagle creek by the *Location.* most practicable route, near Julyann, Martha, Hannah and Bald Eagle furnaces, to a point on the Central railroad at or near Tyrone iron works, subject to all the provisions and restrictions of an act regulating *Subject to provisions of certain act.* turnpike and plank road companies, approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 2. The capital stock of said company shall consist of two *Capital stock.* thousand shares of twenty-five dollars each: *Provided*, That said

company may, from time to time, by a vote of the stockholders, had at a meeting called for the purpose, increase their capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act.

Commencement
and completion of
road.

SECTION 3. That if said company shall not commence the construction of said road in three years, and complete the same within six years from the passage of this act, then this act shall be null and void, except so far as the same may be necessary to wind up and settle the affairs, and pay the debts of the company.

Repeal.

SECTION 4. That so much of the act approved the twenty-ninth March, one thousand eight hundred and forty-nine, entitled "An Act to incorporate the Susquehanna and Bald Eagle plank road company," as is superseded by this act, is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 177.

AN ACT

Relating to the drawing of juries in the counties of Berks and Bedford; relating to the commissioners of Dauphin county; and relative to the removal of paupers in Berks county.

WHEREAS, By the act of the general assembly, passed the fifth day of April, one thousand eight hundred and forty-nine, the courts in Berks shall be in each term for three weeks, and no provision being made to select, summon and return jurors for the said third week in each term; therefore,

Additional panel
of names for
third week.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in addition to the panel of names as now returned for the first and second week for each term of the court in said county, a third panel of names shall be returned for the third week, to serve in and through said third week; and that every thing shall be done and observed, in relation thereto, as is prescribed by law in the like case.

Additional panel
of jurors for first
week of each
term in Bedford
county.

SECTION 2. That in addition to the panel of names now returned for the first week of each term of the several courts of Bedford county, a second panel of names shall be returned for the second week of said courts, in and through said second week, whenever the judges of the said courts may order a court for two weeks in said county; and every

thing shall be done, in relation thereto, as is prescribed by law in similar cases.

SECTION 3. That so much of the third section of the act, entitled "An Act to reduce the expenses in Montgomery county, and relative to the treasury of Dauphin county," approved the fifteenth day of March, one thousand eight hundred and forty-seven, as prevents mileage being allowed the county commissioners and directors of the poor of the county of Dauphin, shall be and is hereby repealed. Commissioners of Dauphin county, relative to.

SECTION 4. That the directors of the poor and house of employment of the county of Berks, shall be and they are hereby authorized to regulate the mileage and compensation for removing paupers to said poor house; such mileage never to be less than ten, nor more than twenty cents per mile. Directors of the poor of Berks county, relative to.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D. one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 178.

AN ACT

Authorizing the laying out of a state road from Cannonsburg, in Washington county, to Connellsville, in Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Yeagley, of Fayette county, and Greer M'Ilvaine and Matthew Linn, of Washington county, be and are hereby appointed commissioners to view and lay out a road, beginning at or near Cannonsburg, in Washington county, to Connellsville, in Fayette county. Commissioners. Location.

SECTION 2. That the said commissioners, after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act, with fidelity and impartiality, shall proceed to view the ground and lay out the road as near a straight line between the said points as the nature of the ground will permit, so that the verticle departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit. Commissioners, duties of.

SECTION 3. Said commissioners shall meet on or before the first day of September next, and proceed to complete the view of said road; and they are hereby authorized to employ as surveyor John Nelson H. Patrick, at a per diem not exceeding two dollars per day, and two Authorized to employ surveyors, &c., pay of.

chain-bearers and one axeman, who shall receive one dollar; and the said commissioners shall receive one dollar and fifty cents each, for every day necessarily spent in discharge of the duties enjoined by this act; and the amount required to pay the expenses as thus provided, shall be paid by warrant drawn on the commissioners of Fayette and Washington counties, in proportion to the time spent in each county respectively.

Further duties of commissioners. **Drafts of road to be filed.** **Damages, how to be adjusted.**

SECTION 4. It shall be the duties of said commissioners to make a fair and accurate draft of the location of said road, noting courses and distances, improvements, roads, township lines and waters, one copy of which shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next after the survey is completed, and one copy in the office of the clerk of the court of each county in which said road may lie; and from thenceforth the said road shall be a public highway, and shall be opened and repaired in all respects as roads are opened and repaired by order of the courts of quarter sessions of said counties.

SECTION 5. It shall be the duties of the said commissioners to endeavor to procure from all persons through whose land said road is located, releases for all claims of damages which might arise from opening the said road; and in all cases where a release cannot be obtained, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, which, with the releases, shall be returned to the courts of quarter sessions of the respective counties in which such damages may accrue.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 179.

AN ACT

Authorizing Joseph Boone to sell and convey certain real estate in Clearfield county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Joseph Boone, trustee named in a certain deed of conveyance, whereof Joseph Boone and Priscilla, his wife, are the grantors, dated the first day of August, one thousand eight hundred and thirty-five, is hereby empowered and authorized to sell, at public or private sale, and to convey and assure to the purchaser or purchasers, in fee simple, all that certain tract of land situate in Penn township, Clearfield county, and*

state aforesaid, beginning at a white pine corner, on a line between Joseph Boone and James Moore's land; thence south sixty five degrees east seventy perches to a post; thence north twenty five degrees east one hundred and twenty-one and a half perches to a post; thence north sixty-five degrees west seventy perches to a post; thence south twenty-five degrees west one hundred and twenty-one and a half perches to the place of beginning, containing fifty acres and twenty-five perches and allowance: *Provided*, The said trustees give good and sufficient surety, to be approved of by the court, for the faithful performance of their trust.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 180.

AN ACT

To repeal an act passed the tenth day of April, Anno Domini, one thousand eight hundred and forty-nine, entitled "An Act changing the mode of electing the officers of the Springhouse, Northamptontown and Bethlehem turnpike road company," and to revive so much of the original act, passed January the sixteenth, Anno Domini, one thousand eight hundred and thirteen, as was thereby repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the act, entitled "An Act changing the mode of electing the officers of the Springhouse, Northamptontown and Bethlehem turnpike road company," approved April the tenth, Anno Domini, one thousand eight hundred and forty-nine, be and the same is hereby repealed; and that so much of the original act, entitled "An Act to incorporate the stockholders of said turnpike company," passed January the sixteenth, Anno Domini, one thousand eight hundred and thirteen, as was repealed by the aforesaid act of April tenth, Anno Domini, one thousand eight hundred and forty-nine, be and the same is hereby revived.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 181.

A FURTHER SUPPLEMENT

To an act authorizing the governor to incorporate the Susquehanna and Delaware canal and railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Susquehanna and Delaware canal and railroad company to purchase and hold, for mining purposes, any quantity of coal lands situate in Pittston, Lackawanna or Providence townships, in the county of Luzerne: Provided, That the amount so purchased and held shall in no case exceed two thousand acres: And provided, That if the said canal and railroad shall not be completed in eight years from and after the passage of this act, the privileges herein granted shall cease and determine: Provided, That said company shall pay to the state treasurer for the use of the commonwealth, one per centum on its capital stock, in five equal annual instalments; the first instalment to become due and payable on the first of January, A. D., one thousand eight hundred and fifty-one, and the remaining four instalments at intervals of twelve months each.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 182.

AN ACT

To incorporate the German exchange association of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That William Schmoele, Frederick Horstmann, L. A. Wollenweber, Conrad Meyer, Conrad Liebrich, Henry Schmoele, Ph. M. Wolsieffer, Bernard Berens, Jacob Beitel, John Lips, Francis L. Brehm, Jacob Cull-*

mann, John H. Schomacker, John Hulsemann, Christian Miller, Peter Kuhlmann, F. W. Thomas, Jacob Schandeln, Jacob F. Haehnlen and Charles A. Pulte, and their successors, and all persons who now are, or hereafter may be associated with them, be and they are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style and title of "The German exchange association;" Style. and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in any court of law or equity, and to take and to hold, to them and their successors, either by grant, gift, devise or lease, any lands or real estate for the purpose of erecting thereon a suitable building or buildings for the use of said association; Privileges. and also to take and hold, for the use of said association, any goods or chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any persons whatsoever capable of making the same: *Provided*, The same shall not exceed two thousand dollars; and also, it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew, as they shall think proper; and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of said association.

SECTION 2. The object of said association shall be to provide, erect and furnish a suitable building or buildings for the accommodation of the various German scientific, literary and beneficial societies; also, for a room to be used for public meetings and for the establishment of a German library. Object.

SECTION 3. The persons hereinbefore named are hereby appointed commissioners to do and perform the several acts and things hereinafter mentioned; that is to say, they or such of them as shall act in the premises, not less than five, shall as soon as conveniently may be and within three months next after the passage of this act, procure and open a suitable book or books at such time and place as they may designate, in the city and county of Philadelphia, of which time and place at least ten days' previous public notice shall be given, in one or more newspapers published in the city or county of Philadelphia, in which book or books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the commissioners of the German exchange association, the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the commissioners of said association. Witness our hands and seals the day of A. D., one thousand eight hundred and fifty;" and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners by themselves, or by committees to be by them appointed, shall attend for the purpose of opening the books and to receive subscriptions for stock; and the said books shall be kept open at least six hours on such days, at the time and place designated in the public notices to be given as aforesaid, and in case three thousand shares of stock, being the capital stock of said association, be not all sold on the day of the first opening of the books, the number remaining unsold may afterwards be disposed of at such time and place, and under such regulations as the commissioners for the time being may order: *Provided*, That no subscription for such stock shall be valid unless the party or parties making the same, shall at the time of subscribing, pay to said commissioners one dollar on each and every share for the use of the association. Commissioners. Open books. Form of subscription. Proviso.

eight hundred and fifty;" and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners by themselves, or by committees to be by them appointed, shall attend for the purpose of opening the books and to receive subscriptions for stock; and the said books shall be kept open at least six hours on such days, at the time and place designated in the public notices to be given as aforesaid, and in case three thousand shares of stock, being the capital stock of said association, be not all sold on the day of the first opening of the books, the number remaining unsold may afterwards be disposed of at such time and place, and under such regulations as the commissioners for the time being may order: *Provided*, That no subscription for such stock shall be valid unless the party or parties making the same, shall at the time of subscribing, pay to said commissioners one dollar on each and every share for the use of the association.

Board of directors.

President, treasurer, &c.

By-laws.

Proviso.

Reservation.

Penalty for discounting notes, bills of exchange, &c.

SECTION 4. The said commissioners acting as aforesaid in the premises, shall as soon as five hundred shares of the stock are subscribed, form a board of directors, with power to carry out the objects of the association as hereinbefore expressed, to elect a president from their own body, to elect a treasurer, to elect or appoint a secretary and a solicitor, and such other officers and agents as they shall deem necessary to carry out the objects aforesaid, conduct and execute the business and affairs of said association, to fix their compensation, and in their discretion to dismiss them, to provide for paying the necessary expenses, and generally to exercise the powers vested in such association, and make by laws and regulations, or alter and repeal the same : *Provided*, They are not contrary to the constitution and laws of this commonwealth, or of the United States; and as soon as the whole stock is subscribed, the president of the board as aforesaid, shall appoint a time and place for the subscribers to meet, notice of which shall be given at least ten days' previous, in one or more papers published in the city and county aforesaid; and the said subscribers or such of them as are present, shall by ballot elect a president, a treasurer and nine directors, who then shall form a board of directors for conducting and managing the affairs of such association for one year, and annually thereafter, at such time and at such place as the by-laws shall prescribe, an election for the aforesaid officers shall be held by the stockholders.

SECTION 5. The legislature reserves the right to alter, amend or annul this charter whenever its privileges are abused, or found injurious to the citizens of this commonwealth; in such manner, however, as to do no injustice to the corporators.

SECTION 6. It shall not be lawful for said corporation to discount notes and bills of exchange, or to loan money, or to buy and sell bank notes or notes of individuals or corporations, or to receive moneys on deposit, or to do any other act or thing which properly pertains to a bank of discount or deposit; any violation of this section by any person in the employ of the said corporation, or by any of its officers or agents, shall be a misdemeanor, and shall subject such person or officer or agent, upon conviction thereof in any criminal court in this commonwealth, to be punished by confinement in the jail of the county where the conviction is had, for any period not less than six months nor more than three years.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 183.

A SUPPLEMENT

To an act to incorporate the borough of West Philadelphia, approved the seventeenth of February, Anno Domini, ene thousand eight hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the boundaries of the borough of West Philadelphia, in the county of Philadelphia, be and they are hereby changed; and from and after the passage of this act, the limits and boundaries of said borough shall be and they are hereby declared to be as follows, to wit: beginning on the west side of the Schuylkill river at the mouth of Sweet Briar creek; thence south-westwardly along the several courses of the said creek, through Eagle farm, to the falls of Schuylkill road; thence southwardly along the centre of said road to Morrison street; thence westwardly along the centre of said Morrison street, by lands of George Hutton and others, (late Peters'.) and Owen Jones, to and across the Philadelphia and Lancaster turnpike to the south side thereof; thence north-westwardly along the south side of said turnpike to ground belonging to the Roman Catholic congregation; thence south-westwardly at right angles with said turnpike, by the said ground to an angle therein; thence by the same westwardly to the centre of Mill creek; and thence south-eastwardly along the centre of said creek by the several courses thereof, to the north side of the Haverford road; thence eastwardly along the north side of said road, to a point opposite the eastern wall of the Pennsylvania hospital for the insane; thence southwardly along said eastern wall by the several courses thereof to the southern line thereof; thence due south to Mill creek; thence southwardly along the centre of said creek by the several courses thereof, to the north side of the Philadelphia and Baltimore turnpike; thence eastwardly along the north side of said turnpike, to the western line of Hamilton village; (about four hundred feet west of Till street;) thence southwardly along said western line to the north side of the Darby road; thence north-eastwardly along the north-westwardly line of said road, to a point opposite to the line dividing the properties of John Hare Powell and the Philadelphia alms-house; thence southwardly along said line to the river Schuylkill; and thence northwardly along the west side of said river by the several courses thereof, at low water line, to the mouth of Sweet Briar creek aforesaid, the place of beginning; and all that district included within the said limits and boundaries, is hereby constituted and formed into a borough and a body corporate, to be styled "The borough of West Philadelphia."

Boundaries of
West Philadel-
phia changed.

Boundaries.

SECTION 2. That all the rights, privileges, powers and immunities heretofore enjoyed and exercised by the borough of West Philadelphia, are hereby extended to all that portion of the township of Blockley, in the county of Philadelphia, added and annexed by this act to the borough of West Philadelphia, as aforesaid; and all acts of assembly heretofore passed referring or relating to the borough of West Philadelphia, are hereby continued in full force and effect, except as hereinafter mentioned; and the said acts are hereby extended and confirmed to the borough of West Philadelphia, as enlarged by this act.

Rights and pow-
ers.

Divided into
three wards.

SECTION 3. That the said borough as described in the preceding section, be and the same is hereby divided into three wards; the First ward shall be comprised within the following limits: beginning at the Schuylkill river at the north-east line of the Philadelphia or Blockley alms-house estate; thence along the same to Woodland street; thence along Woodland street to Park; thence to Washington street; thence along Washington street to Mary street; thence along Mary to Green street; thence to the east line of Crean's estate; thence along the said line to the Lancaster turnpike; thence along said turnpike to the line between the late John Britton's estate and Bearing's estate; and thence along the said line to the river Schuylkill; and thence along the same to the place of beginning; the Second or Hamilton ward shall comprise all the said borough which is south and west of the above described First ward, and south of the Lancaster turnpike; the Third or Mantua ward shall comprise all the said borough lying north and east of said First ward, and north-east of the Lancaster turnpike road.

Election of coun-
cilmembers.

SECTION 4. That the citizens within each of the said wards qualified to vote for members of the general assembly of this state, shall, on the days now provided by law for the election of borough officers, and at such places as are hereinafter designated, elect for each ward, by a majority of votes, four councilmen, whom, before entering upon the duties of their respective offices, shall determine by numbers one and two, to be drawn, which numbers shall designate and determine the number of years each person so elected shall serve; and also, three school directors, whose term of service shall be determined by numbers one, two and three, to be drawn in like manner; and annually thereafter they shall elect for each ward, two councilmen, to serve two years each, and one school director, to serve three years each; and they shall also annually elect one judge of elections, two inspectors, one assessor, one constable, one overseer of the poor, and every third year two assistant assessors; and each ward shall also elect one alderman at the time required by law for electing the same, all of which officers shall be resident of the ward for which he or they shall have been elected; and they shall have the same duties to perform, and rights, powers and immunities that the same officers now have by the laws of the said borough, and of this commonwealth, and be subject to all the laws and liabilities relating thereto; in case of vacancy by death, resignation, removal or otherwise, of a member of the town council, the remaining members of the ward shall fill such vacancy until the next succeeding borough election; the said citizens or voters of the said wards shall at the time for electing borough officers aforesaid, also elect annually, by a majority of votes, one resident citizen and voter of said borough for burgess thereof; and the judges and inspectors of said election shall make out and certify a correct return of the votes polled for burgess, and present the same to a meeting of said judges, to be held on the day succeeding the said election, in the council chamber of the said borough, at seven o'clock in the evening; and the said judges shall add up the returns, and forthwith notify the persons having the highest number of votes, who shall be declared burgess of said borough; and in case of vacancy from any cause, the said town council may elect one of their number to serve as burgess until the next succeeding spring election: *Provided*, That the duties, powers and authorities of the school directors of the present borough of West Philadelphia shall cease and determine upon the organization of the directors elected in pursuance of this act, which organization shall take place at the time now provided by law, at which time the duties as school directors shall commence.

Election of judge,
inspector, asses-
sor, constables,
&c.

Officers to be
residents of the
ward for which
they were elect-
ed.

SECTION 5. That all the elections for the First and Second wards of the said borough shall be held at the public school house in said borough, at separate windows, to be opened for the purpose, over which shall be designated in large letters, the number of the ward; and the present judge and inspectors of election shall perform the duties of their respective offices in the ward in which they reside; and the present judge shall appoint a judge of election for the ward in which he is not a resident, and each inspector shall appoint an inspector for the ward in which he does not reside; the election for the Third ward shall be held at the public house of John Gheen, in the said ward; and the present judges and inspectors of Blockley township shall in the same manner appoint the judge and inspector for the said ward; all the said appointments shall be made at least eight days before the time for holding the said election, and the persons appointing shall give immediate notice of the same to the persons appointed; and the said appointed officers shall perform the same duties, and be subject to all laws and penalties relating to other election officers in the said county of Philadelphia: *Provided*, That the place for holding the meetings of the assessors and officers for making additional assessments, shall be as follows, to wit: for the First ward, at the place now provided by law for the same; for the Second ward, at the William Penn tavern, and for the Third ward, at the public house of the said John Gheen; and all acts or parts of acts inconsistent with this act, is hereby repealed: *And provided*, That the election required by existing laws to be held for officers in the said borough, on the third Friday of March instant, be and the same is hereby postponed; and the first election for officers under this act shall be held on the first day of May, A. D., one thousand eight hundred and fifty, and the term of the present officers of said borough are hereby extended until superseded by the officers elected on the said first day of May; and the officers so elected shall continue in office for the same period as if elected on the said third Friday of March.

Place of holding elections for First and Second wards, &c.

SECTION 6. That no street or streets shall hereafter be opened in the borough of West Philadelphia, unless upon the application of a majority of the owners of property fronting on said street or streets so intended to be opened; said application to be made to the judges of the court of quarter sessions, agreeably to the provisions of the act of June thirteenth, one thousand eight hundred and thirty-six, and the several supplements thereto, relating to roads, &c., in the city and county of Philadelphia; and that no person shall be required to grade, pave, or curb any side walk in front of his land used for farming purposes, unless houses fronting thereon shall have been erected, but that footways of designated width, covered with gravel, shall be laid out and made.

Relative to the opening of streets, &c.

SECTION 7. That all the estate, property and funds, real and personal, of whatever kind or description, held by the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties and Penn, be and the same hereby are and shall be exempted from all taxation except state and road taxes; and the real estate held by said guardians in the township of Blockley, and county of Philadelphia, shall not be subject or liable to have any public road, street, lane or alley laid out or opened through it, except by and with the consent of the said guardians.

Property held by the guardians for the relief and employment of the poor of the city of Philadelphia, district of Southwark, to be exempted from taxation, except, &c.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 184.

A SUPPLEMENT

To an act passed April fifth, one thousand eight hundred and forty-nine, relative to the borough of Clarksville, Mercer county; and extending an act relative to voting at elections to said county; and relative to election districts in Mifflin county.

Certain privileges granted to the borough of Clarksville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the borough of Clarksville shall have all the rights and privileges now granted to townships in this commonwealth, to elect officers, collect taxes, et cetera; and that they shall hold their elections in the public school house in said borough, first Friday in May next, and on the third Friday of March in every year thereafter, and that the officers now authorized to hold elections for inspectors and judge, be authorized and required to hold the elections for borough and township officers at the same time and place.

Power to prevent the running at large of geese, swine and dogs.

SECTION 2. That the burgess and town council shall have power to prevent the running at large of geese, swine and dogs in said borough, and they are hereby authorized to seize and sell, in such manner as shall be provided by an ordinance of said corporation, to impose fines and penalties, incurring forfeiture and sale as they may direct.

Provisions of certain act extended to Mercer county.

SECTION 3. That the act, entitled "An Act relative to voting at elections in the counties of Adams, Dauphin, York, Lancaster, Franklin, Cumberland, Bradford, Centre, Greene and Erie," approved the twenty-seventh day of February, one thousand eight hundred and forty-nine, and all the provisions thereof, be and is hereby extended to the county of Mercer, as fully as if that county had been mentioned therein.

Newton Hamilton, the place of holding elections in, changed.

SECTION 4. That the qualified electors of the borough of Newton Hamilton, and the township of Wayne, in the county of Mifflin, shall after the next spring elections, hold their general and township elections at the new school house now building in the borough of Newton Hamilton.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 185.

AN ACT

To refund to John H. Dohnert, late treasurer of the county of Philadelphia, certain moneys over-paid by him; and relative to fees allowed to the treasurers of Lycoming and Clinton counties.

WHEREAS, John H. Dohnert, late treasurer of the county of Philadelphia, in the settlement of his accounts on the fourth day of February, Anno Domini, one thousand eight hundred and forty-eight, made an over-payment to the commonwealth, amounting to the sum of eleven hundred and ninety-two dollars and seventy-six cents; therefore,

SECTION 1. *Be it enacted by the Sena'e and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the state treasurer be and he is hereby authorized and directed to pay to John H. Dohnert, late treasurer of the county of Philadelphia, out of any moneys in the treasury not otherwise appropriated, the sum of eleven hundred and ninety-two dollars and seventy-six cents.

SECTION 2. That so much of the first and third sections of the act of the twenty-sixth of April, one thousand eight hundred and forty-four, entitled "An Act providing that the treasurers of Lycoming and Schuylkill counties, shall receive a fixed salary, and regulating fees in certain cases, and for other purposes," as fixes the treasurer's fee for advertising each tract of unseated land in Lycoming and Clinton counties, including printer's charges, at twenty cents, be and the same is hereby repealed; and from and after the passage of this act, the same fees shall be allowed the treasurers of said counties for advertising as aforesaid, as are fixed by the act of the twenty-eighth of March, one thousand eight hundred and fourteen, entitled "An Act establishing a fee bill."

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 186.

AN ACT

To authorize the town council of Pottsville to open and enlarge Logan's court, and to open an alley between Second and Centre streets, in the borough of Pottsville, Schuylkill county; in relation to streets in Freeport and Easton; and in relation to a private railroad in Phoenixville; and to vacate a certain road in the borough of Northumberland.

Additional powers granted to the borough of Pottsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town council of the corporation of the borough of Pottsville, shall have full power and authority, and they are hereby enjoined and required to lay out, enlarge and open a certain court or alley, marked on the map or plan of said borough as Logan's court, so that the same shall connect with and open out into East Market street, or Contention alley, on the south, and with Callowhill street on the north, and be made of the width of twenty feet throughout, and remain a public street or highway of the borough aforesaid; the said corporation are also enjoined and required to lay out, enlarge and open a twenty feet wide alley, from Callowhill street to High street, parallel to Centre street, at the distance of one hundred and forty-two feet from Centre street, between Second street and Centre street, in the borough of Pottsville aforesaid.

Damages, how adjusted.

SECTION 2. The owner or owners of any lot or land through which said street shall be opened out as aforesaid, may apply to the town council of the corporation aforesaid, within one year from the opening of the same, by petition, setting forth the injury he, she or they may have sustained thereby; and thereupon it shall be the duty of the council aforesaid, to appoint one disinterested person, and the said petitioner may appoint a second, and the two persons thus chosen a third, whose duty it shall be after being duly sworn or affirmed, well and truly to view the premises and justly to assess the damages, if any, which said petitioner may have sustained, considering the advantages of said street to said petitioner; and the said viewers, or a majority of them, shall file their report with the town council aforesaid, which said report shall be final and conclusive on all parties thereto, and thereupon it shall be the duty of the corporation aforesaid, to pay the amount so found, if any thing, to the said petitioner, or his or her legal representatives: *Provided,* That nothing herein contained shall prevent any owner or owners of lots or land as aforesaid, from bringing his, her or their suit or suits in the court of common pleas of Schuylkill county, to recover damages for the opening out of the alleys or courts as aforesaid, or to recover the amount of damages which the said viewers as aforesaid may assess, in case the said corporation do not pay the same within thirty days from the time the report as aforesaid shall be filed.

Borough of Freeport, Armstrong county, relative to a street in.

SECTION 3. That the burgess and town council of the borough of Freeport, in the county of Armstrong, are hereby authorized and required to lay out and open a street or highway, from the south end of the bridge which connects Todd's island with said borough, so as to intersect Main street, on said island.

SECTION 4. It shall be the duty of the said burgess and town council, or a majority of them, first having taken an oath or affirmation before some justice of the peace, to perform the duties enjoined upon them by this act with fidelity, to proceed as soon after the passage of this act as convenient, to attend to the duties specified in the preceding section of this act; and if in their opinion, or the opinion of a majority of them, said street ought to be laid out and opened, then they shall make out a plot or draft of said street so to be laid out and opened, by its courses and distances, having regard to the best ground, and the least possible damage to property; and they shall also make report of the width of said street, and make return of the same, under their hands and seals, to the next court of quarter sessions of Armstrong county, to be entered of record; and thereupon the said street shall become a public highway, and it shall be the duty of the street commissioners of the said borough of Freeport, to proceed forthwith to open the same.

SECTION 5. The court of quarter sessions of the county of Armstrong, on the petition of any owner of any lot or land through which said street shall be laid out and opened, representing that he or she has sustained damages by the laying out and opening of the same, shall appoint three freeholders of said county to view the premises and adjudge the amount of damages, if any sustained, taking into consideration the probable advantages of the said street to the complainant; and the said amount shall be paid, after being approved by the court, out of the county treasury: *Provided always*, That the said viewers shall each of them, before they proceed to assess the said damages, take an oath or affirmation before a justice of the peace of said county, justly and truly to value the same, and to consider the advantages, as well as disadvantages of the laying out and opening said street, to the complainant.

Damages, how
adjusted.

SECTION 6. That hereafter whenever any individuals shall open or dedicate streets or alleys for public use in the borough of Easton, they shall submit the plan or plans thereof to the town council of said borough, and shall obtain the approbation of the said council to the same, and that such approbation shall be withheld from any such streets or alleys, if they do not conform as far as practicable to the plan of said town; and that in all cases of views of streets or roads in said borough, the report shall not be confirmed or allowed by the court if they do not conform to the plan of the town, or if they will destroy or mar the symmetry of said borough; and that no public street shall be laid out of less width than sixty feet, nor any public alley of a less width than twenty feet, except with the assent of said town council.

Borough of Easton, relative to streets or alleys
in.

SECTION 7. That the partnership firm of Reeves, Buck & Co., of the borough of Phoenixville, in the county of Chester, be and hereby are authorized and empowered to construct and lay down a railroad, commencing at the Philadelphia and Reading railroad, south of and near to the Phoenixville depot on said road, and running thence along the south side of Bridge street, to a lot belonging to Samuel A. Whitaker; thence crossing said Bridge street to the north side of said street, at a grade not exceeding six inches above the grade of the centre of said street, as fixed by the authorities of the said borough; thence along the north side of Mill street and across French creek bridge on Main street; and thence to the rolling mills and furnaces of the said firm of Reeves, Buck & Co.; the said road to be laid upon the private property of the said firm, except where it runs upon the public thoroughfares ~~above~~ said.

Reeves, Buck, & Co., authorized to construct a railroad.

SECTION 8. That the said firm of Reeves, Buck & Co., their heirs and assigns, be and hereby are authorized and empowered to place cars

Authorized to place cars and horses on said road.

Footway.

Borough of Northumberland, to vacate a certain street in.

and horses upon the said railroad, and to haul and transport upon and over the same, all kinds of goods, wares and merchandize; and to possess, occupy and use the said railroad, to all intents and purposes, as their own private property: *Provided nevertheless*, That so soon as the said railroad is laid upon the aforesaid bridge across French creek, the rail whereof to be of the L shape, and shall be level with the grade of the street where it crosses Bridge street, and upon the bridge, the said firm of Reeves, Buck & Co., shall construct a convenient and substantial footway over the said creek, to be attached to the said bridge, on the west side of the same, four and an half feet wide, to commence opposite the machine shop of the said firm, and to extend three hundred and two feet in length; and that the said firm of Reeves, Buck & Co., shall also raise the bridge across the canal belonging to the said firm, opposite the said bridge across French creek, seven and an half feet, or so high as to permit the passage of an empty canal boat freely under it, and shall also do all the necessary filling required on each end of the said bridge for the convenience of public travel; the raising of said canal bridge, and the filling up aforesaid, to be done by said firm of Reeves, Buck & Co., so soon as the burges and town council of the borough of Phoenixville aforesaid, shall build a wall along the north side of said canal, commencing at the north side of said bridge, sufficient to receive said filling; and that the said firm of Reeves, Buck & Co., shall raise the guard walls at the ends of the aforesaid bridge across French creek, to the same height as the side walls are at the centre of said bridge.

SECTION 9. That the old road or street running diagonally from the corner of Queen and Sixth streets, in the borough of Northumberland, Northumberland county, across lots numbered respectively, number one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, and one hundred and seventy-two, to the corner of Duke and Seventh streets in said borough, be and the same is hereby vacated.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 187.

AN ACT

Relative to the survey books of Butler county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of general quarter sessions of the peace of the county of But- Original surveys
ler is hereby authorized to direct the deputy surveyor of said county to of Butler county
copy into a suitable book, all the original surveys made by former deputy to be copied into
surveyors in said county, on warrants, improvements, or otherwise; a suitable book,
and that the said book, when certified to be a true copy of the original, &c.
and submitted to and approved by the said court, shall be received in
evidence in any judicial proceeding, in the same manner as the original
books; and the commissioners of said county shall, out of the funds of
the county, pay the said deputy surveyor a reasonable compensation,
to be by them fixed, subject to the approval of the court of general
quarter sessions of the peace aforesaid.

SECTION 2. That the provision of the seventh section of an act, enti- Provisions of
tled "An Act authorizing the sale of certain real estate, and relative to the seventh sec-
the collection of taxes in certain townships in Monroe, Berks and Lan- tion of certain
caster counties, and certain school districts in Butler, Franklin, Mifflin, act extended to
Indiana and Schuylkill counties," approved the tenth day of April, one the townships of
thousand eight hundred and forty-eight, be and they are hereby extended Penn, West
to the townships of Penn, West Hempfield, Man- Hempfield, Man-
or and Rapho, in the Lancaster
county of Lancaster county.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D., one thousand eight
hundred and fifty.

WM. F. JOHNSTON.

No. 188.

AN ACT

To incorporate the Tioga and Lawrenceville plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. William B. Clymer, William E. Dodge, Edward Bayer, George M'Loud, Levi J. Nichols, Josiah Emery, R. G. White, H. H. Potter, Edsel Mitchell, Daniel Holliday, Jr., D. G. Stevens, Sylvester Beckwith, Seth Dagget, David A. Clarke, Vince De Pui, T. J. Berry, T. L. Baldwin, C. H. Seymour, Joseph Atkin, Abel Humphrey, Austin Lathrope, Moses S. Baldwin, Pardon Domon, William K. Mitchell and Lymon Fisk, or any five of them, be and the same are hereby appointed commissioners to open the books, receive subscriptions and organize a company by the name, style and title of "The Tioga and Lawrenceville plank road company," to locate and construct a plank road on the bed of the present public road or otherwise, as the company may direct, leading from Tioga to Lawrenceville, in the county of Tioga, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, as far as they are not inconsistent with this and the following sections.

Location.

Subject to provisions of certain act.

Capital stock. SECTION 2. That the capital stock of said company shall consist of eight hundred shares of twenty-five dollars per share: *Provided*, That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

Commencement and completion of road. SECTION 3. That if the said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within seven years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company and pay the debts of the same.

Authorized to extend their road. SECTION 4. That the said company are hereby authorized to extend the said plank road from Tioga aforesaid, up the valley of Crooked creek to Wellsborough, on the bed of the present public road, or otherwise, as the said company may direct, and to increase the capital stock thereof to an amount sufficient for the purposes aforesaid, in a manner prescribed in the second section of this act.

Repeal. SECTION 5. That the act to authorize the Governor to incorporate the Tioga and Elmira plank road company, approved the eighth day of April, eighteen hundred and forty-eight, and the supplement thereto, approved the fifth day of April, one thousand eight hundred and forty-nine, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 189.

AN ACT

To confirm the title to certain real estate in the city of Philadelphia.

WHEREAS, The supreme executive council of the commonwealth of Pennsylvania, by a patent dated the twelfth day of November, one thousand seven hundred and eighty five, and enrolled in patent book P, volume H, page 166, et cetera, granted and conveyed to James Pemberton and others, a certain lot of ground in the city of Philadelphia, situate between Seventh and Eighth streets from the Delaware, and Spruce and Walnut streets, containing three acres and twenty-one perches, in trust for the use of the monthly meeting of Friends in the city of Philadelphia, for the purpose of a burial ground or other religious use : Preamble.

And whereas, The trustees of the said property, acting under the direction and authority of the said monthly meeting of Friends, have granted and conveyed divers parts of said lot of ground to various individuals for good and valuable considerations, which have been received by the said monthly meeting; and the parts of said lot of ground so granted and conveyed, have been built upon and are now occupied by the individuals who have purchased the same for their own use :

And whereas, Some doubts have been suggested as to the validity of the titles of such persons, by reason of the said trust expressed in the said patent; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That any claim which the commonwealth may have by reason of trust expressed in the said patent, be and the same is hereby released, and the titles of persons holding parts of the said lot of ground, under conveyances from the trustees of the monthly meeting of Friends be confirmed, so that said persons and their heirs and assigns, shall take and hold the same forever, discharged and clear of any and all trusts expressed in said patent, from the supreme executive council to James Pemberton and others.* Claim of the commonwealth released in a certain patent.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 190.

AN ACT

To authorize the trustee of Christiana Stock to sell and convey certain real estate ; and relating to the estates of Benjamin Price, deceased, and Benjamin Sharpe, deceased.

Trustee under the last will and testament of Christiana Stock, authorized to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That John Wise, trustee named in the last will and testament of Christiana Stock, of the city of Philadelphia, deceased, be and is hereby authorized to sell by public or private sale, the whole or any part or parts of three certain houses and lots of ground, one of them situate on the west side of a ten feet wide alley called Hoffman's alley, extending from Sassafras street to Cherry street, about the distance of eighty feet from the west side of Delaware Fifth street, in the said city of Philadelphia, containing in breadth on the said ten feet wide alley, fourteen feet, and in length or depth westward fifty-eight feet, more or less, to the line of Joshua Emlen's ground; the other two being all those two three story brick messuages or tenements and lot or piece of ground, situate on the south side of a certain eighteen feet wide alley, extending from Schuylkill Seventh street to Eighth street, between Vine and Wood streets, in the district of Spring Garden, in Penn township, in the county of Philadelphia, beginning at the distance of eighty feet westward from the west side of Schuylkill Eighth street, and containing in front or breadth on the said eighteen feet wide alley, twenty-six feet, and in length or depth that width southward fifty-one feet; bounded on the north by said eighteen feet wide alley, known as Type alley, now Pearl street; westward by a three feet wide alley; south by a four feet wide alley, and eastward by ground of William A. Skerrett; and to make and execute to the purchaser or purchasers thereof, a good and sufficient deed or deeds of conveyance and assurance in the law for the same, which conveyance and assurance shall vest in such purchaser or purchasers all the estate, right, title and interest in law and equity, which the said Christiana Stock at and immediately before her death had and held in the same, as fully and completely, and with like effect as if said conveyance and assurance had been made and executed by the said Christiana Stock in her lifetime; and that the moneys arising therefrom by virtue of sale, be appropriated by said trustee, agreeable to the meaning and intent of the said Christiana Stock, as expressed in her last will, with respect to her residuary estate; before the said trustee shall make and execute such sale, he shall give security in the orphans' court for the city and county of Philadelphia, in such manner and in such sum as the said court shall order and direct, for the faithful execution of the power hereby committed to him, and for the proper and faithful application of the proceeds of the sale of the real estate hereby authorized to be sold.

Administrators of Benjamin Price, authorized to sell certain real estate.

SECTION 2. That Joel Bowkley and Abram Price, administrators of Benjamin Price, late of the county of Luzerne, deceased, be and hereby is authorized and empowered to sell at public or private sale, at such price or prices as they may deem expedient, and most conducive to the

interest of said estate, all the right, title and interest of the said Benjamin Price in or to any lands situate in the township of Pittston, in the county of Luzerne, in this commonwealth; such sale or sales to vest all the title therein belonging to said Benjamin Price at the time of his said decease; and the said administrators are hereby authorized to make title by deed to the purchaser or purchasers: *Provided however*, That **Proviso.** before any such sale or sales be made, the said administrators shall enter into a bond with sufficient sureties, to be filed and approved by the orphans' court of Luzerne county, conditioned for the faithful and legal application of the proceeds of said sale or sales: *And provided further*, That the said court shall be satisfied that such sale or sales may be advantageous to the interests of said estate.

SECTION 3. That Joseph S. Riley, executor of Benjamin Sharpe, in executing the power given to him by the act, entitled "An Act authorizing Joseph S. Riley to sell certain real estate of Benjamin Sharpe, deceased," to which this is a supplement, be and he is hereby authorized to insert in any deed of conveyance for the premises by him sold, a clause or covenant permitting the extinguishment of the said rent, on payment of the principal thereof, to be named in such deed, at any time after the expiration of ten years from the date of such deed; and that the rent so to be reserved, and the said extinguishment money shall be made payable to the said Joseph S. Riley, his heirs and assigns, in trust for the persons, uses and estates named, described, and declared in the last will of the said Benjamin Sharpe, of and concerning the real estate so as aforesaid authorized to be sold. **Executor of Benjamin Sharpe, certain powers granted**

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 191.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the Farmers' Bank of Schuylkill County," passed the fourteenth day of April, one thousand eight hundred and forty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of directors of said bank shall have power to remove the said bank from its present location in the borough of Schuylkill Haven, to

the borough of Pottsville, upon the request in writing of any number of stockholders owning three-fourths of the stock of said bank.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 192.

A SUPPLEMENT

To an act, entitled "An Act to erect Danville, in Columbia county, into a borough."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the town council of the borough of Danville, in the county of Columbia, are hereby authorized to borrow, on the credit of said borough, any sum of money not exceeding sixteen hundred dollars, at a rate of interest not exceeding six per centum per annum, redeemable at such time or times as shall be agreed upon, and to issue therefor certificates of indebtedness, or other evidences of debt.

Town council of the borough of Danville authorized to borrow money.

SECTION 2. That the duties performed by township auditors in the different townships of the state, shall be performed by the town council of the said borough, within the said borough, and an appeal shall lay from all settlements of accounts made by them, in the same manner as is now allowed in case of settlements of accounts by township auditors.

Duties of town council of said borough.

SECTION 3. That the town council of said borough shall annually, on or before the first day of May in each year, publish a statement of the receipts and disbursements of money for borough purposes during the preceding year, of the amount then in the borough treasury, of the money due and owing to said borough, and of the debts due by said borough; and also of the amount of money expended for the support of the poor, and for the support of common schools in said borough.

Annual statement of affairs, &c.

SECTION 4. That it shall be the duty of the town council of said borough, annually, to issue their precept to the high constable of said borough, authorizing and requiring him to enumerate and return to the said council, within twenty days thereafter, the names of any of the inhabitants of said borough who own or harbor on their premises, any dog or dogs, bitch or bitches, designating the number owned or harbored by each; whereupon the said town council shall proceed to levy

High constable to enumerate and return dogs, &c.

and assess on each such owner or person harboring, a tax not exceeding the amount fixed in the act to which this is a supplement.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 193.

AN ACT

Authorizing Abraham Aurand, of Union county, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Abraham Aurand, of the county of Union, be and he is hereby authorized to sell at public sale, a certain half acre of ground, with the appurtenances, situate in East Buffalo township, Union county, which was purchased on the ninth day of December, Anno Domini, one thousand eight hundred and twelve, to erect a school house thereon; which piece of ground is described in the deed from Benjamin Zellers to John Hubler and Michael Wolfe in trust, dated the said twelfth day of December, one thousand eight hundred and twelve, as follows: beginning at a post in a line of Jacob Dunkle's land; thence by the same south eighty-seven degrees west sixteen perches to a post; thence by said Benjamin Zellers' land north three degrees west five perches to a post; thence by the same north eighty-seven degrees east sixteen perches to a post; thence by the same south three degrees east five perches to the place of beginning, containing half an acre neat measure; according to the present owners of the adjoining lands, said half an acre of land is bounded and described as follows: beginning at a post in a line of Abraham Farley's land; thence by the same south eighty-seven degrees west sixteen perches to a post; thence by land of David Smith north three degrees west five perches to a post; thence by the same north eighty-seven degrees east sixteen perches to a post; thence by the same south three degrees east five perches to the place of beginning; and to make, execute and deliver a deed to the purchaser in fee simple, and to distribute the purchase money arising from the sale, after deducting the expenses among what is called the second, third and fourth sub-school districts of said township: *Provided however,* That in making the distribution, said Abraham Aurand shall take into consideration the sum subscribed by persons resident in the second, third and fourth sub-school districts of said township, towards the purchase of

Abraham Aurand
authorized to sell
certain real estate.

Proviso.

said half acre of ground, from said Benjamin Zellers, and the erection of the school house thereon : *Provided*, That before such sale shall be made, the said Abraham Aurand shall give bond, to be approved by the court of common pleas of said county, in double the value of said property, conditioned that he will faithfully appropriate the proceeds of said sale according to the requirements herein mentioned : *And provided also*, That said sale shall be approved by said court.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 194.

A N A C T

To appoint William Loughry, of Indiana county, committee of the person and estate of Peggy Lintner, a lunatic ; and relative to writs of error.

Preamble.

WHEREAS, By an act of assembly, entitled “An Act to authorize John L. Radcliff, executor of the last will and testament of Richard Dale Durand, to sell and convey certain real estate, and for other purposes,” passed the third day of April, one thousand eight hundred and thirty-seven, David Lintner was appointed committee of the person and estate of Peggy Lintner, daughter of John Lintner, late of Blacklick township, Indiana county, deceased, and is desirous to be discharged from the duties of his said appointment ; therefore,

William Loughry appointed committee of Peggy Lintner.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That William Loughry, of Blacklick township, in the county of Indiana, be and he hereby is appointed committee of the person and estate of the said Peggy Lintner, daughter of John Lintner, deceased, in the room, place and stead of the said David Lintner, with the same powers and under the same restrictions and responsibilities as if he had been appointed by the court of common pleas of said county of Indiana, under the provisions of the act of assembly relative to lunatics and habitual drunkards, and to give bond with like conditions as prescribed by said act.

Writs of error.

SECTION 2. That no act of the Legislature of this Commonwealth heretofore passed, shall be so construed as to prevent either party in a cause from obtaining his, her or their writ of error, and a decision by the supreme court thereon, as well after a decision by the said court on a writ of error previously obtained by the adverse party in such cause, as if both parties had obtained their respective writs returnable to the

same term of the supreme court; and that any writ of error heretofore taken under such circumstances and not yet acted on, shall entitle the plaintiff in error to a hearing and action of the supreme court thereon, as fully as if no former decision had been made on a previous writ of error obtained by the adverse party.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 195.

AN ACT

To repeal the sixth section of an act relating to judgments and the acknowledgment of deeds and sequestration of life estates; and relative to the high constable of the borough of Wilkesbarre.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sixth section of the act relating to judgments and the acknowledgment of deeds and sequestration of life estates; and relative to the high constable of the borough of Wilkesbarre, passed twenty-fourth January, one thousand eight hundred and forty-nine, be and the same is hereby repealed so far as relates to the county of Schuylkill.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 196.

AN ACT

To incorporate the American trust company for the protection and advice of immigrants, and the investment of funds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Frederick Klett, George W. Tryon, Peter A. Keyser, Frederick C. Kropff, C. Zimmerman, Lewis Bremer, John Thomason and Charles A. Pulte, and all persons who now are or who may hereafter be associated with them, and their successors, are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The American trust company for the protection and advice of immigrants, and the investment of funds;" and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity within this commonwealth, or elsewhere; and also be able to take and hold, either by gift, grant, devise or lease, any real estate; and by gift, grant, bargain and sale, will or bequest, any goods and chattels, sum and sums of money, from any person or persons whatsoever, for the use of the said company; to make by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States, or of this commonwealth; and generally to do and perform all and singular such matters and things as may be necessary and proper for them to do and perform, for the well being and due management of the affairs of said company: *Provided however,* That the clear yearly income of the real estate held by said company shall not exceed the sum of two thousand dollars.

SECTION 2. The object of said company shall be to assist foreigners and immigrants, by advice and by investment or safe-keeping of their funds, property and effects; and also by settling, adjusting and collecting any legacies, claims or estates, and generally by transacting such business as may be entrusted to said company.

SECTION 3. That the business of said company, and the management of its affairs shall be transacted by a president, a vice president, a treasurer, secretary, and such other officers, agents, or assistants, as may be necessary to effect all and singular the objects, intents and purposes of the company. The officers shall be elected or appointed as may be provided by the by-laws: *Provided however,* That the treasurer shall give security in double the amount of money that may probably come into his hands.

SECTION 4. That if any officer of this company, or any of their agents or assistants, shall embezzle, or fraudulently convert to his own use, or shall knowingly suffer any other person or persons to embezzle, or fraudulently convert to his or their use, any sum of money, bank note, bill, check, bond or other security, placed under his care or management by virtue of his office or place in said company, the person so offending, and his aiders or abettors, upon conviction thereof, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a sum not exceeding double the value of the money, property or effects thus em-

Corporators.

Style.

Privileges.

Proviso.

Object.

Officers.

Treasurer to give bond.

Punishment for embezzlement.

bezzled, or fraudulently converted, and shall suffer imprisonment not exceeding four years, in the penitentiary or in the county jail, at the discretion of the court before whom he shall be tried.

SECTION 5. The Legislature reserves the right to repeal, alter or amend this act at any time hereafter: *Provided*, No injustice be done thereby to the corporators.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 197.

A SUPPLEMENT

To the act, entitled "An Act to abolish imprisonment for debt, and to punish fraudulent debtors."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no attachment hereafter issued by any alderman or justice of the peace of this commonwealth, in pursuance of the twenty seventh section of the act, entitled "An Act to abolish imprisonment for debt and to punish fraudulent debtors," approved the twelfth day of July, Anno Domini, one thousand eight hundred and forty-two, shall remain and continue a lien on the property attached for a longer period than sixty days, from and after the time when the plaintiff might legally have had execution issued on said judgment; but the said property shall, after the expiration of the said time, be discharged from such attachment: *Provided*, That the said property shall remain liable to be seized and taken in execution as in other cases: *And provided further*, That whenever an appeal shall be entered and taken from the judgment of the justice, the lien on the property attached as aforesaid, shall remain for the period of sixty days after final judgment.

Attachment issued by alderman or justice of the peace, not to remain a lien longer than sixty days, &c.

Provido.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 198.

AN ACT

Relative to roads and supervisors in the townships of Pennsbury and Pocopson, Chester county; and George township, Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, it shall be lawful for the supervisors of the townships of Pennsbury and Pocopson, in Chester county, to sell or let at public sale the erection of any bridge they may be required to build; and also, the opening of any new road laid out by authority of law in said townships: *Provided*, The supervisors give notice of said sale in the same manner as they are required to give in the selling of the repairs of the roads in said township.

Bridges in Pennsbury and Pocopson townships, Chester county, relative to the erection of.

SECTION 2. That it shall be lawful for the taxable inhabitants of the township of Pennsbury, at their next township election for supervisors of the public roads, to elect one supervisor who shall serve two years, and one person annually thereafter to serve for two years; nor shall there be, at any time, more than two supervisors in said township.

Election of supervisors in Pennsbury township.

SECTION 3. So much of an act approved the eleventh day of March, one thousand eight hundred and forty-five, relating to public roads and highways, as is inconsistent herewith, is hereby repealed, so far as relates to the township of Pennsbury, in Chester county.

Repeal.

SECTION 4. That the provisions of the said act be and they are hereby extended to the township of Pocopson, in said county: *Provided*, That the qualified citizens of said township shall elect annually two supervisors, whose term of service shall be one year.

Provision of said act extended to Pocopson township.

SECTION 5. That the provisions of an act laying a tax on dogs in the borough of West Chester, and certain townships in the county of Chester, and for other purposes, approved the fourteenth day of April, eighteen hundred and forty-six, be and the same are hereby extended to the township of Pocopson, in said county.

Further powers extended to said township.

SECTION 6. That the qualified electors of George township, in the county of Fayette, are hereby authorized to elect four supervisors of highways in said township, instead of two, as is now provided for.

George township, Fayette county, authorized to elect four supervisors, &c.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 199.

A N A C T

To incorporate the State mutual fire insurance company of Harrisburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Albert J. Gillett, Albert A. Carrier, P. C. Sedgwick, Jacob Shell, Stephen Miller, Robert Klotz, A. J. Jones, Benjamin Buffington, Simon Sallada, John Stahl, Jacob Woodside, J. D. Hoffman, Jeremiah Harner, Aaron Bombaugh, S. T. Jones, J. P. Rutherford, Thomas H. Wilson, E. C. Eby, George Prince, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a corporate body by the name of "The State mutual fire insurance company;" and shall have power and authority to make contracts of insurance with any person or persons, or any body politic or corporate, against losses by fire of any dwelling houses, barns, stores, other buildings and personal property, for such term or terms of time, and for such premium or consideration, and such modification and restrictions as may be agreed on between the said corporation and the persons agreeing with them for said insurance.

Corporators.

Style.

Privileges.

SECTION 2. All persons who shall hereafter insure with the said corporation, and all their heirs, executors and administrators and assigns, continuing to be insured in said corporation as is hereafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Continuation of membership.

SECTION 3. The affairs of said company shall be managed by a board of directors consisting of not less than seven, or more than thirteen, as hereinafter provided; and all vacancies happening in said board or in either of the offices of said company, may be filled by the remaining directors for the remainder of the year for which they were elected; and a majority of the whole shall constitute a quorum for the transaction of business.

Board of directors.

Quorum.

SECTION 4. The rates of insurance shall be from time to time fixed and regulated by the directors of the company, and premium notes therefor shall be received from the insured, which shall be paid at such time or times, and in such sum or sums as the corporation shall from time to time require; and any person applying for insurance shall pay a cash premium in addition to a premium note or a definite sum in money, to be fixed by said corporation, in full for said insurance and in lieu of a premium note.

Rates of insurance.

SECTION 5. As soon as one hundred thousand dollars shall be subscribed to be insured, the majority of the commissioners named in section first, shall by an advertisement published in at least one newspaper in Harrisburg, notify and call a meeting of the subscribers or their representatives, at some place by them designated, said advertisement to be inserted ten days preceding such meeting, who shall proceed to choose a president, secretary and directors, and such other officers as shall be deemed expedient, for the term of one year, or until another election; said election shall be made by ballot and by a plurality of the votes of the subscribers, or their representative authorized by power of attorney,

Organization.

Officers.

which shall at no time bear date more than thirty days immediately preceding such election, then present, allowing each member one vote for every one hundred dollars insured in said company, and shall be conducted under the supervision of three disinterested persons.

Annual election. SECTION 6. After the year one thousand eight hundred and fifty, there shall be an annual election of president, secretary, directors and such other officers as shall be deemed necessary, on the first Wednesday in May, as provided for in section five in this act, to be called by the secretary at the office of the company, by advertising in two papers published in Dauphin county, at least ten days before said meeting, setting forth the object of said meeting.

Failure to elect, not to dissolve corporation. SECTION 7. If it shall at any time happen that an election of president, secretary or directors shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Annual statement of affairs. SECTION 8. Within thirty days after the annual meeting for the election of officers and directors, it shall be the duty of the secretary of the corporation to cause to be made and published, in one or more newspapers published in Harrisburg, a statement of the affairs of the corporation, the amount of premiums received, the amount of expenses and losses during the year in each respective class, the amount of risks in each class, the dividends paid, and a general balance statement of the affairs of the corporation.

Place of operations. SECTION 9. The operations and business of the said corporation shall be carried on and conducted at Harrisburg, in the county of Dauphin.

Classification of property insured. SECTION 10. All property that shall be insured by said company, may be divided by the directors thereof into one or more distinct classes; in the first class may be insured the less hazardous description of property, and in the second may be insured the more hazardous description of property; the policy of each member shall designate the class of risk with which he is associated, and the cash premiums and deposit note of each class, and the assessments for which members may become liable, shall be held and assessed to pay the losses occurring in the respective classes to which they belong and no other, and the general expenses of the company shall be apportioned to each class according to the amount insured in each.

Relative to payment of losses occasioned by fire. SECTION 11. If it should ever happen that the stock of said company deposited and paid as aforesaid, shall not be sufficient to pay all the losses occasioned by fire, then and in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportionable dividend of said whole stock, according to their respective losses and the respective sums to them insured by said company, or if there should be an excess of funds, the directors may declare a dividend to each member, apportioned to the amount originally paid.

Members to pay for losses in proportion to the amount of deposit, &c. SECTION 12. Every member of said company shall be bound to pay for losses, and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note; and suits at law may be maintained by said corporation against any of its members, for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also, suits at law may be prosecuted and maintained by any member against said corporation, for losses or damage by fire, if payment is withheld more than four months after the company are duly notified of such losses; and no member of the corporation not being in

his individual capacity a party to such suit, shall be incompetent as a witness in any such cause, on account of his being a member of said company.

SECTION 13. No policy shall be issued by said company until applications shall have been made for insurance in the counties of Dauphin, Lebanon, York, Cumberland, Huntingdon and Juniata, to the amount of at least one hundred thousand dollars. No policy to issue until, &c.

SECTION 14. It shall not be lawful for the said corporation to deal or use, or employ any part of the funds or moneys thereof, in buying or selling any goods, wares or merchandize in the way of traffic, or in any banking operations, or in the purchase or sale of any stock or funded debt, created or to be created under any law in the United States, or any particular state, but it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their funds or moneys; and also to sell and transfer the same, and again to renew such investment, when and as often as a due regard to the interests of the said corporation shall require; and also to make loans of the funds on bond or mortgage, and the same to call in and re-loan as occasion may render expedient. Corporation not to traffic in merchandize, &c.

SECTION 15. This act shall continue for the term of twenty-four years, and the legislature may at any time hereafter repeal or modify this act. Term of act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 200.

A SUPPLEMENT

To an act to incorporate certain trusts under the title of the Pequa railroad and improvement company, passed the twelfth day of March, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Pequa railroad and improvement company shall have power to hold such lands, wherever situated, as may be requisite for wharves, depots, stations, or other necessary facilities for the accommodation of their business, and shall have power to construct a road or roads from their lands or improvements to the Union canal at Port Mifflin, or such other point as they may deem expedient; and for the completion of their im- Additional powers granted to the Pequa railroad company.

Proviso.

provements, as well as for the general business of working, transporting and selling the products of their mines, they may issue not exceeding sixteen thousand shares of fifty dollars each, of additional capital of the said company; and all the provisions of the act to which this is a supplement, conferring authorities or imposing restrictions in respect to the power to construct the road heretofore authorized, and to issue and dispose of stock for that purpose, shall apply to the power hereby granted to construct the additional road or roads, and to issue and dispose of additional stock: *Provided*, That said company shall pay to the state treasurer for the use of the commonwealth, one per centum on said increase of capital, in eight annual instalments, the first to become due and payable on the first of July, one thousand eight hundred and fifty, and the remaining seven instalments at intervals of twelve months each.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 201.

SUPPLEMENT

To the act, entitled “An Act incorporating the Wilkesbarre and Hazleton turnpike road company.”

Increase of capital stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful for the Wilkesbarre and Hazleton turnpike road company to increase their capital stock five thousand dollars, and to issue certificates to subscribers of stock for said amount; and all subscriptions of stock heretofore bona fide made, shall be good, valid and collectable, notwithstanding one dollar per share was not paid down at the time of such subscription.

Borrow money.

SECTION 2. That it shall be lawful for said company to borrow any amount of money not exceeding five thousand dollars, for the purpose of completing said turnpike road, and to pledge the tolls on all or any part of said road, for the payment of such loan with the interest; and the time for completing said road shall be extended to the first day of October, one thousand eight hundred and fifty-three.

Repeal.

SECTION 3. That so much of an act passed the twenty-fourth of March, A. D., one thousand eight hundred and forty-nine, entitled “An Act to incorporate the Spruce Creek and Philipsburg turnpike road

company," as makes Bald Eagle furnace a point on said road, be and the same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 202.

A N A C T

For the erection of a poor house in Mercer county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That John Finley, Michael G. Trout, William S. Garvin, William Stewart, William Clark, David B. Hayn, James Sheriff, Samuel Goodwin, M. B. Kremm, William W. Smith, William Dunn, George Sheakley, Thompson Graham, William Maxwell, James Brown, John P. Vath, Joseph Kerr, John Kelly, James Devin, G. B. Williams, Dawson Wadsworth, John Breckenridge, W. W. Breckenridge, Henry Black, Franklin B. Hubbard, John Duncan, Matthew L. Murdock, B. F. Bas-
kin, all of Mercer county, be and are hereby appointed commissioners,
whose duty it shall be, or a majority of them, on or before the first day
of January, Anno Domini, one thousand eight hundred and fifty-one,
to determine upon and purchase such real estate as they shall deem ne-
cessary for the accommodation of the poor of Mercer county; and it
shall be lawful for said commissioners, or a majority of them, to take
conveyances therefor in the name and for the use of the corporation
mentioned in the third section of this act; and they shall certify their
proceedings therein under their hands and seals to the clerk of the court
of quarter sessions of the county of Mercer, to be filed in his office; and
at the next general election the qualified electors of Mercer county shall
elect three reputable citizens of said county, to be directors of the poor
and of the house of employment for the county of Mercer for the ensu-
ing year; and the judges of the election of said county shall, imme-
diately on receiving the returns from the several election districts and
casting up the number of votes therein, or within three days thereafter,
certify under their hands and seals the names of the persons so elected
directors, to the clerk of the court of quarter sessions of said county,
who shall file the said certificate in his office, and forthwith give notice
in writing to the said directors of their being elected; and the said di-
rector who shall receive the highest number of votes shall serve three
years, and the said director who shall receive the second highest num-
ber of votes shall serve two years, and the said director who shall receive the third highest num-
ber of votes shall serve one year.

Commissioners.

Duties.

Purchase real
estate.

Election of di-
rectors of the
poor.

ber of votes shall serve two years, and the said director having the next highest number of votes shall serve but one year; so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third shall be chosen annually; and the said directors shall meet at the court house in the county of Mercer, to transact business, on the first Monday of November ensuing their election.

Take oath.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall within ten days after he is notified of such election or appointment, and before he enters upon the duties of the said office, take an oath or affirmation, which shall be filed in the office of the clerk of the court of quarter sessions, which any justice of the peace of said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars, for the use of the poor of said county; which fine shall be recovered by the directors for the time being, as debts are or shall be recoverable; and the directors qualified as aforesaid, are hereby authorized to administer an oath or affirmation in any case when it shall be necessary in relation to the duties of their office.

Incorporate.

Style.

Privileges.

SECTION 3. The said directors shall forever hereafter in the name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Mercer, and shall have perpetual succession, and may sue and be sued, plead and be impleaded by the name, style and title of "The directors of the poor and of the house of employment for the county of Mercer;" and by that name shall and may receive, take and hold, any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattles whatsoever, of the gift, alienation or bequest of any person or persons whatsoever; to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond with full and sufficient surety for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successor in office, all moneys, bonds, notes, book accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ, and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices, so that such apprenticeship may expire, if male, at or before the age of twenty-one, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house, and to have not less than three months' schooling in each and every year; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to said corporation, and at their pleasure to alter and renew the same.

Proviso.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the necessary building or buildings and furnishing the same, and maintaining the poor within the said county for one year, whereupon the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure, on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments with interest out of the county taxes: *Provided always*, That not more than one-fourth of the whole amount of the sum necessary for the purpose aforesaid shall be added to the county tax annually thereafter, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Increase of taxes.

Proviso.

SECTION 5. It shall be the duty of the said directors on or before the first day of November in each and every year after the poor house shall have been completed, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess and cause to be collected, the amount of said estimate, which shall be paid to said directors by the county treasurer on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall at least once in every year, render an account of all moneys by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed, respecting the accounts of the county commissioners; and shall at least once in every year lay before the court of quarter sessions and grand jury of said county, a list of the number, age and sex of the persons maintained and employed in the house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the name of their masters or mistresses, and their trade, occupation or calling; and shall at all times, when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interest and moneys payable and receivable by the said corporation; and also, an account of all sales, purchases, donation, devises and bequests, as shall have been made by or to them.

Estimate of expense to be furnished the county commissioners.

Annual account.

SECTION 6. As soon as the said building shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county of Mercer, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or any other sufficient cause, any poor person cannot be removed; in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the

Notice to be given to the overseers of the several townships to bring the poor, &c.

charge and expense of such temporary relief and of such removal, shall be paid by the said directors at a reasonable allowance.

Employment. SECTION 7. The said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Mercer, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Mercer, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Mercer.

Expense of maintenance. SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law, or any of the laws of this state, or of the United States: *And provided also*, That the same shall not have any force or effect, until they shall have been submitted to the court of common pleas for the time being of the county of Mercer, and shall have received the approbation of the same.

Quorum. SECTION 9. The said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors, touching and relating to said settlements, the said directors may withhold all further relief from such poor person or persons, until he or she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the powers hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

Administer oaths, &c. SECTION 10. A quorum of said directors shall and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints, and redress, or cause to be redressed, all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

Monthly meeting of directors. SECTION 11. In case of any vacancy by death or resignation or otherwise, of any of said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the second section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

Vacancies, how filled. SECTION 12. The said directors shall each of them receive for their services, the sum of one dollar per day for each and every day actually employed, to defray the expense of their necessary attendance in the duties of their office.

Pay of directors. SECTION 13. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act

Claims.

had not passed, and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Mercer, shall be paid over to the treasurer of the poor house, to be applied to the maintenance and support of the poor; and as soon as the poor of the county of Mercer shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

SECTION 14. The powers conferred and the duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor in the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Mercer; and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties within the time and in the manner prescribed by the said act for the payment thereof in other counties, to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid; and for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county, shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

Certain powers conferred on the supervisors of highways.

SECTION 15. So much of the laws of this commonwealth relating to the poor as are by this act altered or supplied, be and the same are hereby repealed, so far as they affect the county of Mercer.

Repeal.

SECTION 16. That the sheriff of the said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be at the court house in Mercer.

Duties of the sheriff.

SECTION 17. It is hereby enjoined and made the duty of the sheriff of the county of Mercer, to cause this act to be published in all the papers of Mercer county, for three successive weeks immediately after its passage.

Further duties.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 203.

AN ACT

To authorize the governor to incorporate the Millheim and East Kishacoquillas turnpike road company.

Commissioners. *SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Daniel Kramer, Henry Fidler, Henry Bower, John Smith, William C. Duncan, Jared Irvine, William Bare, Adam Hosterman and Michael Gephart, of Centre county; Michael Buoy, Jerman Jacobs, C. S. M'Coy, Joseph Reed, William M'Kinney, John Albright, E. E. Locke, William Reed and James Brown, of Mifflin county, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The Millheim and East Kishacoquillas turnpike road company," with power to construct a turnpike or other artificial road commencing at the terminus of the Bald Eagle, Nitany and Brush Valley turnpike at Millheim; thence by the nearest and best route to a point on the turnpike road leading from Lewistown to Bellefonte, south of the seven mountains, having in view the shortest and best route to Lewistown, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto.

Style.

Location.

Subject to provisions of certain act.

Capital stock. *SECTION 2.* The capital stock of the company shall consist of two hundred shares of twenty-five dollars each, with the privilege of increasing the number of shares, if necessary to accomplish the work, which additional shares shall be ordered by the stockholders, at a general meeting called for that purpose.

Tolls. *SECTION 3.* That the said company shall have power to charge and collect such tolls as shall be deemed reasonable and necessary to the maintenance of said road: *Provided,* That all persons attending divine worship, funerals, military parades and trainings, shall at all times be exempted from payment of tolls on said road.

Lewistown and Kishacoquillas turnpike road company authorized to subscribe to the capital stock, &c. *SECTION 4.* That the president and managers of the Lewistown and Kishacoquillas turnpike road company be and are hereby authorized and empowered to subscribe to the capital stock of said company, not exceeding one hundred shares; and the said president, managers and company of the Lewistown and Kishacoquillas turnpike road company shall keep a just and true account of all and every the moneys received by their several and respective collectors of tolls at the several respective gates on said road; and also for dividends received on the stock hereby authorized to be subscribed, and shall make and declare half yearly dividends of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the

said company's stock, and they shall annually render to the general assembly an abstract of their accounts.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 204.

AN ACT

To vacate a certain public alley in the town of Lisburn, Cumberland county, and to lay out another public alley in lieu thereof; and in relation to the borough of New Cumberland.

WHEREAS, The citizens of Lisburn and vicinity, in the county of Cumberland, suffer great inconveniences in passing to and from their public burial ground; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all that public alley leading from the village of Lisburn to the public burial ground near said village, be and the same is hereby vacated; and that John G. and Jacob Heck are hereby authorized and required at their own expense, to open a public alley from the street running through said village of Lisburn to the said burial ground, along the west side of the head race of their mills.

Certain alley in the village of Lisburn, vacated.

SECTION 2. That the town council of the borough of New Cumberland, in the county of Cumberland, shall have full power and authority to make all such rules and regulations as they shall from time to time deem proper, for the landing and drawing of lumber, timber and all other kinds of produce, on the shore of the river Susquehanna, within the limits of said borough, and on the public ground lying between Water street and the said river; and also to levy such a sum upon all persons landing rafts, arks, shingles, staves, wood, bark, stone, or any other kind of produce or merchandize, as they shall see proper: *Provided,* That the sum so levied shall not for five years from the passage of this act, exceed three cents on every thousand superficial feet of sawed lumber, three cents on every thousand shingles, four cents on every thousand hoghead, barrel or cask staves, three cents on every one hundred rails; cord wood or bark, ton of coal or perch of stone, and other produce, at similar charges, nor more than twenty-five cents on each and every timber or log raft or empty ark.

New Cumberland borough, Cumberland county, certain powers granted to

SECTION 3. Should any person or persons owning a lot on Water street, erect a steam saw mill, and desire to construct a log or cause-

Power to erect steam saw mills, &c., granted to individuals, &c.

Proviso.

way down to the river, for the drawing of their timber into their mill, he or they shall have power to erect the same and continue the same: *Provided*, Such log or causeway shall be so constructed that it will not interfere with any road or street leading to the river or down the bank to the river or landing or drawing of lumber.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 205.

AN ACT

Authorizing the Evangelical Lutheran congregations of Old Goshenhoppen, Indian Field and Tohicken, and the trustees of the Presbyterian church at Spruce creek, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Daniel Jacoby, George Bilger and Michael Lutz, the trustees of the parsonage of the Evangelical Lutheran congregation of Old Goshenhoppen, Indian Field and Tohicken, in the counties of Bucks and Montgomery, or their successors in office, be and they are hereby authorized to sell at public sale, and convey to the purchaser or purchasers in fee, such part and so much as said congregations have directed and agreed upon, of the parsonage belonging to said congregations, consisting of a message and tract of land, situated in Upper Salford township, Montgomery county aforesaid, containing one hundred and forty-five acres and one perch, with allowance of six per cent. for road, more or less, which said congregations hold under an indenture made by George Egbert and wife, to Michael Croll and others, in trust for the use of said congregations, dated the twenty-seventh day of May, one thousand seven hundred and eighty-three, recorded in the recorder's office of the city and county of Philadelphia, in deed book No. 10, page 121, adjoining lands of Peter Nace, and others: *Provided*, That the trustees of the said parsonage of said congregations before said sale, shall enter into bond with surety, in the name of the commonwealth, to be approved by said congregations, and in such penalty as they may direct, conditioned that said trustees shall pay over the proceeds of said sale, and put the same out to interest on good security, and apply the interest as in this act is directed.

SECTION 2. Upon the payment of the purchase money for the premises herein authorized to be sold, the said trustees shall execute a deed

Trustees of the Evangelical Lutheran congregations of Old Goshenhoppen, Indian Field and Tohicken authorized to sell certain real estate.

Execute deeds &c.

of conveyance to the purchaser or purchasers thereof; and such deed shall be deemed and taken to vest the title to the premises so sold, in the purchaser, as fully to all intents and purposes, as said congregations had and held the same; and the proceeds of said sale shall be put out to interest on land or other security, to be approved by said congregations, in the name of the trustees and their successors, for the use of said congregations; and the interest accruing and arising on the amount of such moneys, shall from time to time be applied by the trustees of said congregations to improving the remaining part of said parsonage or tract of land, and repairing and renewing or enlarging the buildings thereon, in such manner as said congregations may direct, but no part of the principal of the proceeds of such sale, shall be used for said purposes.

SECTION 3. That the trustees of the Presbyterian church of Spruce creek, are hereby authorized to sell and convey a certain lot of ground, situate in Ferguson township, Centre county, adjoining lands of Robert, David and John Bailey, and Henry Goss, containing about one acre.

Trustees of
Presbyterian
church of Spruce
creek, authorized
to sell certain
real estate.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 206.

AN ACT

To incorporate the Waynesboro', Quincy, Funkstown and Fayetteville turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Monn, junior, David Wertz, senior, John Darby, Peter Cook, James Crawford, Henry George, David Bigham, George M'Ferren, Frederick Byers, John Duncan, Holker Hughes, John Small, Daniel Miller, Daniel W. Royer, Jacob Price, (of Jacob,) Jacob C. Secrist, Alexander Hamilton, George Besore, James Burns, George Winters, James M'Kinley, Henry Besore, John Huber, senior, Abraham Burger and doctor Thomas Walker, of the county of Franklin, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Waynesboro', Quincy, Funkstown and Fayetteville turnpike road company," to locate and construct a turnpike road on the site of the present road, (or otherwise as the said company shall direct,) leading from Waynesboro', in Franklin county, via Quincy and Funkstown, to Fayetteville, in said county, subject to all the provisions and restrictions of an act, entitled "An Act regulating turnpike and plank

Commissioners.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

Point of commencement of road.

road companies," approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto, approved the seventh day of April, Anno Domini, one thousand eight hundred and forty-nine, so far as the said act and supplement are not inconsistent with the provisions of this act.

SECTION 2. That the capital stock of the said company shall consist of fifteen hundred shares, at twenty dollars per share: *Provided*, That the said company may from time to time, at a meeting or meetings of the stockholders, called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the said road, according to the true intent and meaning of this act.

SECTION 3. That the said company may commence the construction of their road at any intermediate point: *Provided*, That such commencement shall be made within five years after the passage of this act; and should the said company fail to complete their road within ten years from and after the same shall have been commenced, then this act shall be null and void, except so far as the same may be necessary for the purpose of settling the affairs and paying the debts of the company: *And provided*, That the said road at its northern termination, shall intersect the Chambersburg and Gettysburg turnpike road, at any point between Jacob B. Cook's store and Robert Black's store, on said turnpike road.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 207.

AN ACT

Relative to a certain drain in Dauphin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all the land-holders in Susquehanna township, in the county of Dauphin, through whose lands a drain was constructed by the canal commissioners for the purpose of carrying off the leakage from the Pennsylvania canal, are hereby required, at their individual cost and expense, to keep open said drain at all times hereafter.

SECTION 2. That if any of said land-holders shall refuse to comply with the provisions of this act, it shall be the duty of the supervisor of said Susquehanna township then in office, on notice to him given for

that purpose, to notify such delinquent land-holder of the fact; and if such land holder does not comply with this act within ten days after such notice, then the said supervisor shall immediately thereafter enter in upon said lands to cleanse the said drain, according to the provisions of this act; the expenses consequent to the cleansing of said drain to be paid by the said delinquent land-holder, to the said supervisor, upon the completion of the work; and in case of the refusal of the said delinquent to pay all necessary costs and expenses of the same, then and in such case, the said supervisor is hereby authorized to recover the amount of all costs and expenses incurred in cleansing said drain, by distress, in the same manner that rents are now recoverable, or by suit before any justice of the peace in the county of Dauphin, in his own name against such delinquent land-holder, together with the costs of suit, in the same manner that debts of like amount are now recoverable; and that so much of any act or acts as are hereby altered or supplied, be and the same are hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 208.

AN ACT

To establish a public ferry on the Allegheny river, at the village of Tionesta, in the county of Venango; and a public ferry in Bradford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That James Hulings, his heirs and assigns, shall have the right at his and their own proper cost and charges, to make a good and convenient landing on the Allegheny river, where the Tionesta road crosses the said river, at the village of Tionesta, in the township of Tionesta, and county of Venango, and the owner or occupier of the said ferry shall keep good and substantial boats and flats, and careful ferrymen, who shall constantly, as the occasion may require, attend for the purpose of transporting travelers and others, across the said river; and on failure thereof, unless prevented by some unavoidable occurrence, he shall forfeit and pay a fine of five dollars, besides the actual damages sustained, to any person who shall experience a detention, and shall sue for the same within ten days thereafter, before any justice of the peace in the townships of Allegheny or Tionesta, in Venango county, the fine and damages to be paid to the person or persons thus detained and who

James Hulings
and heirs author-
ized to make
landings on the
Allegheny river.

Proviso.

sues for the same ; and for services rendered he shall receive from time to time the following rates: for each foot person three cents; for each person and horse ten cents; for each one-horse carriage eighteen and three-quarter cents; for each two-horse wagon or carriage twenty-five cents; for each four-horse wagon thirty-seven and one-half cents; for each additional horse five cents; for each horse without wagon five cents; for each head of horned or neat cattle led or drove three cents; for each head of sheep or swine led or drove one cent; for each yoke of oxen ten cents: *Provided*, That nothing in this act contained shall be construed to give the said James Hulings, or his legal representatives, the right to receive or discharge any travelers, carriages or other loading on land belonging to other persons, without the consent of the owner or occupier, except in or upon the public road aforesaid, so long as the same shall remain a public highway: *Provided also*, That nothing herein contained shall be so construed as to prevent at any time the erection of a bridge over the said river, where the public road crosses the same at the village of Tionesta.

Remedy in case of tolls being too high.

SECTION 2. That at any time when twenty or more citizens shall petition the court of quarter sessions in the county of Venango, setting forth that they have just reason that the rates of ferriage are too high and ought to be reduced, it shall be the duty of the said court to lay the same before the grand jury of the said county, who are hereby authorized and required to hear the parties, and if in the opinion of a majority of them, the rates are too high or low, they shall reduce or raise the same in such proportions as they may deem equitable and just: *Provided*, That the aforesaid ferry shall be subject to such other rules and regulations as the court of quarter sessions may direct.

Elmer Horton, Levi P. Stalford, B. P. Ingham, D. C. Miller and Joseph H. Stalford, authorized to make a landing on the North Branch.

SECTION 3. That Elmer Horton, Levi P. Stalford, B. P. Ingham, D. C. Miller and Joseph H. Stalford, and their heirs and assigns, shall have the right and privilege at their expense, to make a good and convenient landing on the east side of the North Branch of the Susquehanna river, near where the division line between the lands of John and Joel Stalford intersects said river, and a corresponding landing on the west side of said river, near the Sugar Run post office; and to use said river between said landings as a public ferry, and to extend a rope across the river if they deem it advisable, to facilitate crossing: *Provided*, That the said rope shall not be so extended as to interfere with, or obstruct the ascending or descending navigation of the river; also, to purchase and hold to themselves and their heirs, a lot of ground suitable for a building site, and to erect thereon a suitable building for the use of the ferry.

Said landing and ferry to be kept in good repair, &c.

SECTION 4. That the said Elmer Horton, Levi P. Stalford, B. P. Ingham, D. C. Miller and Joseph H. Stalford, their heirs and assigns, shall keep the said landings and ferry in good condition and repair, fit for the transportation and passage of men, horses, other animals and carriages of all descriptions; and shall keep good and substantial boats, and other necessary crafts, and competent and careful ferrymen, who shall constantly, as occasion may require, attend for the purpose of transporting travelers and others, cattle and carriages over the said river, with all reasonable diligence and attention.

Tolls.

SECTION 5. That the said Elmer Horton, Levi P. Stalford, B. P. Ingham, D. C. Miller and Joseph H. Stalford, and their heirs and assigns, for keeping up and maintaining the said landings and ferry as aforesaid, shall receive from persons passing over said river at such ferry, such price or charges as are customarily paid at other ferries on said North Branch of the river Susquehanna, subject to such rules and regulations as the court of quarter sessions of the county of Bradford

may direct: *Provided*, That nothing in this act contained shall be so construed as to receive or discharge any travelers, cattle or carriages as aforesaid, on land belonging to any other person or persons, without the consent of the owner or owners thereof, or to prevent any future legislature from resuming the privileges hereby granted.

SECTION 6. If any person or persons shall wilfully pull down, cut, break, or in any way injure or destroy any ropes, boats or other property, belonging to the said ferry, he, she or they so offending, shall each of them forfeit and pay to said proprietors the sum of fifteen dollars, in addition to all damage sustained by the said proprietors, to be recovered as debts of like amounts are by law recoverable: *Provided*, Suit shall be brought within thirty days after such offence shall have been committed. Penalty for injuries.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 209.

A SUPPLEMENT

To the act to incorporate the Susquehanna coal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the affairs of the Susquehanna coal company, incorporated by the act of the second day of June, one thousand eight hundred and forty, shall hereafter be managed by five directors, to be elected in the manner prescribed in said act; and the said company may divide its capital stock into fifteen thousand shares, of twenty-five dollars each.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 210.

AN ACT

To change the name of Jonathan Cooper Steel to Jonathan Cooper Fincher; and the name of Thomas Kirkpatrick to Thomas Kirk.

Jonathan Cooper
Steel, name
changed from.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Jonathan Cooper Steel, of the town of Mauch Chunk, in the county of Carbon, and state of Pennsylvania, be and is hereby authorized to change his name from Jonathan Cooper Steel to Jonathan Cooper Fincher; and he shall henceforth be called and known by the name of Jonathan Cooper Fincher, and by that name shall be able and capable in law to sue and be sued, grant, receive, take and inherit any estate, real or personal, and do all other legal acts as effectually, to all intents and purposes, as he could have done by his former name if no change had been made therein.

Thomas Kirk-
patrick, name
changed from.

SECTION 2. That Thomas Kirkpatrick, of the township of Worth, in the county of Mercer, in the state of Pennsylvania, be and is hereby authorized to change his name to Thomas Kirk; and he shall henceforth be called and known by the name of Thomas Kirk, and by that name he shall be able and capable in law to sue and be sued, grant, receive and inherit property, and do all other legal acts and things, as fully and effectually to all intents and purposes, as he could have done under his former name, if no change had been made therein; and all acts and deeds heretofore by him done and executed under the name of Thomas Kirk, are hereby declared good and valid, as if done and executed under the name of Thomas Kirkpatrick; and all deeds or other legal conveyances heretofore executed by any one to him by the name of Thomas Kirk, shall be held and deemed as good and valid as if the same had been executed to him by the name of Thomas Kirkpatrick.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 211.

A N A C T

Relative to the estate of James Paxton, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That James Ramsey, sole surviving executor of the last will and testament of James Paxton, late of Franklin county, be and he is hereby authorized and empowered to grant, bargain and sell in fee simple or otherwise, and to convey to the purchaser or purchasers, freed and discharged from all trusts, a certain tract or parcel of land, containing one hundred and eight acres and thirty perches, more or less, situate in Chartiers township, Washington county, adjoining lands of John Haft, William M'Nary, and others: Provided, The said executor give a bond with sufficient security, to the orphans' court, for the faithful performance of his duties, and application of the proceeds of said sale, and that the said court shall approve the same.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 212.

A N A C T

Authorizing John Herron, guardian of Ann W. Charleton, to sell and convey certain real estate.

WHEREAS, John Charleton and William A. Charleton, did on the sixteenth day of July, Anno Domini, one thousand eight hundred and forty-four, execute to Augustus Beylle, of Philadelphia, a mortgage of certain lands in the city of Allegheny, owned by them as tenants in common, which mortgage is now due and payment thereof demanded: Preamble.

And whereas, The said John Charleton died on the twenty-first day of August, Anno Domini, one thousand eight hundred and forty-nine, leaving a widow Mary Ann Charleton, and a daughter Ann W. Charleton, yet in her minority; now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Herron, of Minersville, guardian of the said Ann W. Charleton, or in case of his decease, any other guardian appointed by the orphans' court of Allegheny county, be and hereby is authorized and empowered to sell and convey in fee simple, by public or at private sale, such portions of the interest of the said Mary Ann Charleton, and Ann W. Charleton, in the mortgaged premises, as shall be sufficient to liquidate the amount due on the said mortgage, and to execute and deliver deeds thereof to the purchaser or purchasers, who shall not be bound to see to the application of the consideration money: *Provided,* That before the said sale shall be deemed to be valid the shall have been approved of by the orphans' court of said county, and the said guardian shall have given bond, with sufficient security, to be approved of by said court, conditioned for the faithful application of the proceeds of said sale.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 213.

AN ACT

To incorporate the Marshall savings association of the city and county of Philadelphia.

Preamble.

WHEREAS, A number of the citizens of the city and county of Philadelphia have associated themselves together for the purpose of forming a saving association, and affording to the members thereof the advantage of security and interest:

And whereas, Such an association is calculated to be useful in enabling its members to accumulate a fund with which to commence business, or purchase for themselves and families a homestead; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

William L. Banning, Jonathan Bullock, Townsend Smith, John L. Hough, Albert Middleton, Charles M. Wagner, Samuel R. Evans, George W. Colladay, Isaiah P. Fidler, J. Austin Spencer, Edward Barber, Henry Barber, Middleton Norris, David Furman, George Parker, Jacob Colladay, William Y. Colladay, George R. Oak, Thomas H. Hall, George Bernard, Henry Wireman, Jacob Wireman, Samuel J. Roberts, Samuel T. Furman, Henry Damell, Thomas Damell, James Damell, Jacob Freas, Joseph H. Collins, Ulysses Blaker, John Bancroft, Henry S. Tarr, Thomas H. Marston, Samuel H. Davis, David Melloy, Jacob E. Ridgway, Theophilus Fidler, Richardson L. Wright, Thomas C. Steel, George W. Thorn, Jesse Lee, Owen Evans, Robert Evans, Joseph M. Palmer, James V. Watson, James J. Jones, and all and every other person or persons hereafter becoming members of the Marshall savings institution of Philadelphia, in the manner hereafter mentioned, shall be and are hereby created and made a body politic, by the name and style of "The Marshall savings association of Philadelphia," and by that name shall have succession, and be capable by law to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and to be answered and defended in courts of law and equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever, and to make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act, and promote the object and design of said corporation.

Style.

Privileges.

SECTION 2 The stock of this corporation shall consist of not more than one thousand shares, and each member thereof shall, on each and every share held by him, pay the sum of one dollar in par funds, on the second Tuesday in each and every month on and after the first stated meeting, to such person as shall be by the constitution and by-laws of this association authorized to receive the same, until the value of the whole fund shall be sufficient to divide to each share of stock the sum of two hundred dollars.

Capital stock.

SECTION 3. The officers of this corporation shall consist of a president, secretary and treasurer, and a board of nine directors, exclusive of the president, secretary and treasurer, who shall be members of the board ex-officio, all of whom shall be elected annually by the stockholders, at such times as the constitution and by-laws shall designate.

Officers.

SECTION 4. The funds of the corporation may be used in the purchase of ground rents or mortgages, or be loaned by the board of directors, secured by bond, warrant and mortgage, or such other real estate security as the said directors may deem ample and sufficient.

Funds, how they may be used.

SECTION 5. Each share-holder for each and every share held by him, shall be entitled to a loan of two hundred dollars, or more than that sum if no other share-holder, who has not taken a loan, desires the same.

Loans.

SECTION 6. Whenever a share-holder shall be entitled to a loan, such share holder, in addition to the security as aforesaid, shall assign to the treasurer at least one share of stock for every sum of two hundred dollars borrowed by him, which stock, so assigned, shall be held as collateral security for the re-payment of such loan.

One share of stock to be assigned for every two hundred dollars issued.

SECTION 7. The share-holders shall have power to adopt such by-laws as may be necessary to carry out the objects of this corporation: *Provided,* They are not inconsistent with the constitution and laws of this state and the United States.

By-laws.

SECTION 8. The legislature reserves the right to alter, revoke or annul the charter of the said association, whenever, in their opinion, it

Reservation.

may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice be done thereby.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 214.

AN ACT

To authorize the construction of a plank road from the Lewistown and Tuscarora bridge to the Pennsylvania railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the president and managers of the Lewistown and Tuscarora bridge company, be and are hereby authorized to construct a plank road from the south end of said company's bridge, to any point at or near the Pennsylvania railroad, which they shall deem most convenient for the accommodation of travelers and the transportation of freight, and the general use of said road; and may take subscriptions for such amount of stock to said company as they may find necessary for the construction thereof.

Lewistown and
Tuscarora bridge
company author-
ized to construct
a plank road.

Tolls.

Proviso.

SECTION 2. That the tolls authorized to be taken from persons using said road, may be collected by said bridge company with the tolls taken for crossing said bridge, and for both shall not exceed the amount now authorized by law to be taken for crossing said bridge: *Provided,* That the said company shall have authority to set apart a contingent fund to keep the said road and bridge in repair; and that the tolls shall be so regulated under the provisions of the law incorporating said company, as that the dividends declared on the said contingent fund, together with the capital stock of said company, taken in pursuance of the act relating to said corporation, and to be taken in pursuance of this act, shall not exceed on the said stock the sum of fifteen per cent. per annum: *And provided further,* That in making said road the said company shall be subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-ninth day of January, one thousand eight hundred and forty-nine, and supplement thereto, except so far as the same is hereby altered.

Collection of
stock.

SECTION 3. That for the collection of the stock taken under the provisions of this act, the said company shall have the same powers, and the subscribers of the said stock be subject to the same penalties for ne-

glect of payment thereof, that is provided for and imposed under the provisions of the law incorporating said company.

SECTION 4. That the section of the law incorporating said company which regulates the voting for officers thereof, and which, literally construed, allows two votes for each share of stock not exceeding two shares, held by any stockholder, shall be construed to allow but one vote for each share of stock not exceeding two: *Provided*, That this section shall not in any way affect the number of votes each stockholder is entitled to under the original law, for any number of shares held by him above two shares. Votes.
Proviso.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 215.

A SUPPLEMENT

To the act, entitled "An Act directing the manner of serving writs of summons in certain cases in the county of Mercer," and relative to streets in the borough of Indiana.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the provisions of the first, second and third sections of the act, entitled "An Act directing the manner of serving writs of summons in certain cases in the county of Mercer," approved the tenth day of April, one thousand eight hundred and forty-nine, be and the same are hereby extended to the counties of Armstrong, Indiana, Somerset, Bedford, Clinton and Cambria. Provisions of certain act relative to serving writs of summons, extended to the counties of Somerset, Bedford and Cambria.

SECTION 2. That the act of assembly, entitled "An Act regulating streets in the borough of Indiana, in the county of Indiana," passed the sixth day of March, one thousand eight hundred and forty-nine, shall be so construed as to give full power to the burgess and town council of said borough, to make and lay out a street of the width and description mentioned in the act aforesaid, from Clymer street, at James Mitchell's, to Mahoning street, at Robert B. Moorhead's, and to take and occupy any portion of ground outside of the line of the borough that may be necessary for said purpose. Construction of certain act regulating streets in the borough of Indiana.

SECTION 3. That the act of assembly aforesaid shall not be construed in any part thereof, so as to give to the said burgess and town council power to assess damages, or to make any contracts to pay damages arising out of said act, but in all cases the said damages shall be fixed as prescribed in the act aforesaid, and the report of the viewers Further construction.

shall not be deemed binding until the same shall have been approved of by the court.

J. S. M'CALMONT,
Speaker of the House of Representatives.
 V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 216.

AN ACT

Authorizing individuals to construct railroads and plank roads in the county of Venango; relating to road taxes in Washington county; the navigation of Oswego creek; and the Farmers' and Mechanics' turnpike road company; authorizing the sale of real estate in Lewisburg, Union county; and relative to the Edgement great road, in Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the second section of an act, entitled "An Act authorizing the paving of the Gray's Ferry road from Cedar street to Federal street; providing for the construction of lateral railroads; relating to the appointment of auctioneers in the county of Erie, Mercer and Bradford; extending the Southwark railroad; and in relation to the collection of poor taxes in the city of Pittsburg," passed the fifth day of April, one thousand eight hundred and forty nine, be and the same is hereby extended to Venango county.

Provisions of 2nd section of certain act extended to Venango county.

John Harper of Cecil township, Washington county, authorized to collect taxes.

SECTION 2. That from and after the passage of this act, John Harper, of Cecil township, county of Washington, is hereby authorized and empowered to collect the outstanding road tax due him as supervisor of said township, prior to the year eighteen hundred and forty four.

Provisions of certain act extended to Oswego creek.

SECTION 3. That the provisions of the act, entitled "An Act to prevent the obstructing of the navigation of the Big Brokenstraw creek, in Warren county," passed the fifteenth day of March, one thousand eight hundred and forty-seven, be and is hereby extended to the Oswego creek, in the counties of Potter and M'Kean.

Farmers' and Mechanics' turnpike road company authorized to change their road.

SECTION 4. That the president and managers of the Farmers' and Mechanics' turnpike road company, in Allegheny county, be and they are hereby authorized, with the consent of the sequestrator of said road, to convert their road or any portion thereof, into a plank road, under the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto.

SECTION 5. That Joel Evans, James S. Peters and John D. White, Edgemont great all of the county of Delaware, be and they are hereby appointed com- road, commis- missioners to review that part of the Edgemont great road, in said county, extending from James street, in the borough of Chester, to the sioners appointed line dividing said borough from the township of Chester, to review, &c.

SECTION 6. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, to perform all the duties enjoined by this act with impartiality, to carefully view the road between said points; and they, or a majority of them, are hereby authorized and directed to alter, change or re-lay out said road, or any parts thereof, paying due regard to the original location and width of said road, so far as the same can be satisfactorily ascertained; and for fulfilling the duties enjoined by this act, the commissioners shall each receive the sum of one dollar and fifty cents per day, to be paid out of the treasury of said county. Duties.

SECTION 7. The commissioners, or a majority of them, shall make out a fair and accurate report and draft of said part of said road, noting thereon the courses and distances, and deposit the same in the office of the clerk of the court of quarter sessions of said county, amongst the records thereof; and when so entered of record, it shall be a road to all intents and purposes, as other public roads of said county. Draft.

SECTION 8. It shall be the duty of the supervisors of the township of Chester aforesaid, to open said part of said road agreeably to the report and draft of the commissioners, and put and keep the same in repair as other public roads; and on failing to comply, shall be subject to the same fines and penalties that are imposed upon supervisors, for neglecting to open or repair roads laid out by order of the court of quarter sessions of the county of Delaware. Open road.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 217.

AN ACT

To reduce the number of supervisors in the township of Catawissa, Columbia county, and for other purposes; and relative to supervisors in certain townships in Fayette and Schuylkill counties; to an independent school district in Westmoreland county; and to a state road in Crawford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Catawissa township, Columbia county, to elect one supervisor. from and after the passage of this act, the citizens of Catawissa township, in Columbia county, shall elect only one supervisor of the roads, instead of two as heretofore.

Duties.

SECTION 2. That the supervisor to be hereafter elected as aforesaid, shall annually on the first Monday of April, at the place for holding elections in said township, receive written proposals to keep the roads and township bridges in said township in repair for one year from and after that day, for a certain sum to be stated in each proposal; and shall then and there enter into a written contract in the name of the township, with the person or persons proposing, at the lowest sum, binding him or them with good security to keep the said roads and bridges in good and safe condition for a whole year from that day, and binding the said township to pay to the said contractor or contractors the sum agreed upon, in manner as follows, to wit: To pay him or them at the end of each month a one-twelfth part of the contract price agreed upon, until the whole amount is paid.

Materials.

SECTION 3. The contractor or contractors shall use none but good and suitable material for repairing the bridges, and shall furnish the same at his or their own cost.

Contractor liable to prosecution, &c.

SECTION 4. The contractor shall be liable to prosecution by indictment, as supervisors now are liable, for not keeping the said roads and bridges in good repair, and to suits for damages for injuries in consequence of the said roads and bridges not being kept in good and safe condition.

Taxes.

SECTION 5. Road taxes to be laid as they are now laid in said township and collected by the supervisor, without being worked out by the citizens.

Contract price to be paid by supervisor.

SECTION 6. The contract price agreed to be paid by the second section, shall be paid by the supervisor to the contractor upon the performance of the contract, and shall be allowed to him in the settlement of his account.

Contractor liable for expenses.

SECTION 7. In case of the death of the contractor or contractors, or their refusal to perform their contract, then the supervisor shall keep the said roads and bridges in good repair until the end of the contract year, and the contractor or contractors shall be liable for the expenses thereof.

Menallen township, Fayette county.

SECTION 8. That the township of Menallen, in the county of Fayette, shall hereafter elect four supervisors instead of two, as is now provided for by law.

Nicholson township.

SECTION 9. That the township of Nicholson, in the county of Fayette, shall hereafter elect four supervisors instead of two, as now provided for by law; and that Michael Franks, Jr., Ephraim Walters, senior, James Abrahams and Richard Poundstone, are appointed commissioners to divide said township into four sub-districts, each of which shall be entitled to one supervisor.

George township, to be divided into four districts.

SECTION 10. That John G. Hertig, Joseph Heaton, Moses Nixon and Alexander Brownfield, be appointed commissioners to divide the township of George, in the county of Fayette, into four sub-districts, each of which shall be entitled to one supervisor.

Union township.

SECTION 11. That the township of Union, in the county of Fayette, shall hereafter elect four supervisors instead of two, as is now provided by law.

Butler township, Schuylkill county.

SECTION 12. That from and after the passage of this act, there shall be one supervisor only elected for the township of Butler, in the county of Schuylkill, who shall perform the duties heretofore performed by the supervisors.

SECTION 13. That all that part of Sewickly township, in the county of Westmoreland, embraced within the limits of sub-school district number four, in said township, be erected into an independent school district, to be called Mars Hill; said district to have all the rights and privileges of other school districts in said county, and that the qualified voters of said district shall hold their elections at the school house within said district; the first election to be held on the first Tuesday of April, one thousand eight hundred and fifty-one, and on the same day in every succeeding year thereafter; and Thomas Copeland, John Miller, John Tinsman, Israel Struble, Peter Lee and Robert Fulton, shall act as directors of said district until their successors are duly elected, with all the powers and authority belonging to school directors in said county.

Mars Hill school district, Westmoreland co., to be erected.

SECTION 14. That the road commissioners of the townships of Bloomfield and Sparta, in Crawford county, are hereby authorized to alter or change the present location of the state road leading from Meadville to the New York state line, commencing at the thirty-eight mile tree, near Oil creek; thence run in a straight line so as to enter the gulf at Fuller's hill, and intersect the state road again on the top of the hill known as Tod hill; and each of the aforesaid townships shall pay the expenses of the alterations made in their respective townships.

Bloomfield and Sparta townships, Crawford county, relative to a state road in.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 218.

AN ACT

Supplementary to an act to extend the charter of the Monongahela Bank of Brownsville, approved the twenty-third day of April, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the capital stock of the Monongahela Bank of Brownsville, established by an act, entitled "An Act to extend to charter of the Monongahela Bank of Brownsville," approved the twenty-third day of April, one thousand eight hundred and forty-nine, be and the same is hereby divided into eight thousand shares, of twenty-five dollars each; and that the present stockholders owning the six thousand old shares of the stock of said bank, shall on or before the first Wednesday of May next, pay in on each share so held, a sufficient amount to increase their shares to the said sum of twenty-five dollars each.

Monongahela Bank of Brownsville, relative to.

Sale of stock.

SECTION 2. That the directors of said bank for the time being, shall on the first Wednesday of May, one thousand eight hundred and fifty, offer at public sale to the highest bidder for cash at their banking house, one thousand of the new shares of said bank hereby created, and that on the first Wednesday of May, one thousand eight hundred and fifty-one, the said directors shall offer as aforesaid, the remaining one thousand shares of said stock at public sale; and the said directors shall give thirty days' public notice of said sales, in at least two newspapers published in the county of Fayette: *Provided*, That no share shall be sold for a less sum than twenty-five dollars, and that the said bank may lawfully purchase at either of the said public sales, any number of the shares so to be offered for which no other bidder shall bid so much as twenty-five dollars each.

Repeal.

SECTION 3. That any provision of the act to which this is a supplement, inconsistent with this act, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 219.

AN ACT

Authorizing the governor to incorporate a company to erect a bridge over the Juniata, at or near Grannys ripples, to be styled the Union bridge company, and to repeal the first proviso of the second section of the act, entitled "An Act to regulate the taking up of lumber and flat boats in the Ohio, Allegheny and Monongahela rivers," &c., passed the sixth day of March, one thousand eight hundred and forty-nine.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Thomas E. Orbinson, James Galbraith, Thomas Smelker, John Morrison, Benjamin Leas, James King, George Eby, William Morrison, William B. Leas, John Lutz, John Long, of the county of Huntingdon; and Lewis Bond, Elijah Morrison, Samuel Morrison, John Purcell, John W. Smith, Samuel Drake, Robert Fields, Charles Coughling, Joseph C. Sechler, Charles Bower, John Morrison and Alexander Cumming, or a majority of them, be and are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the first day of October next, provide a book or books, and shall enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the presi-

Subscription.

dent and managers of the Union bridge company, for erecting a bridge over the Juniata river, at or near Grannys ripples, in the counties of Mifflin and Huntingdon, the sum of twenty dollars for each share of stock in said company set opposite to our respective names, in such manner and proportions and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled 'An Act authorizing the governor to incorporate a company to erect a bridge over the Juniata river, at or near Grannys ripples, in the counties of Mifflin and Huntingdon.' Witness our hands this day of in the year of our Lord, one thousand eight hundred and ;" and shall thereupon give thirty days' notice in one newspaper printed in Mifflin county, and one newspaper printed in Huntingdon county, of the times and places, where and when the said books shall be open to receive subscriptions, at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until two hundred shares shall be subscribed; and if two hundred shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in one or more of the newspapers before mentioned: *Provided always*, That every person on entering his name in the said books as a subscriber, shall pay two dollars on each share he shall subscribe, as a fund out of which shall be defrayed the expenses attending the taking of subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized; such first payment on each share to be taken and considered as a part payment on each share subscribed.

SECTION 2. As soon as two hundred shares shall have been subscribed, the said commissioners, or a majority of them, may certify the same, together with a list of the subscribers and the shares subscribed by each in writing, to the governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of "The president and managers of the Union bridge company," for erecting a bridge over the Juniata river, at Grannys ripples, in the counties of Mifflin and Huntingdon, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper; and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements or hereditaments and estates, real or personal, as shall be necessary and convenient for them in the prosecution of their work, and the same to sell and dispose of at their pleasure, of suing and being sued, and doing all and every other matter and thing which a corporation or a body politic may lawfully do.

SECTION 3. Any ten of the persons named in the letters patent of incorporation, shall as soon as conveniently may be after the sealing of the same, give thirty days' notice in the newspaper printed in Mifflin county, and one newspaper printed in Huntingdon county, of a time and place to be appointed, not less than thirty days from the time of giving said notice; at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of

- Managers.** votes of the said subscribers by ballot, to be delivered either in person or by proxy duly authorized, one president, five managers, one person for secretary, and one person for treasurer, and such other officers as they may think necessary to conduct the business of the company during one year, and until other officers be chosen, and shall have power to make such by laws, rules, orders and regulations, not inconsistent with the constitutions and laws of this state or the United States, as may be necessary for the well ordering the affairs of the company : *Provided always*, That no stockholder shall have more than one vote for each share not exceeding five shares, and one vote for every two shares above five and not exceeding eleven, and one vote for every three shares above eleven and not exceeding twenty, and one vote for every five shares above twenty : *Provided also*, That no person shall have more than twenty votes at any election in determining any question arising at such meetings, whatever number of shares he may have subscribed.
- Officers.**
- Annual meeting of stockholders.** SECTION 4. A public meeting of said stockholders shall be held on the first Monday of November next following the first election had as aforesaid, and on the first Monday of October in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interest of said company.
- Certificates of stock.** SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation ; and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon two dollars on each share, which certificate shall be transferable either by the owner in person or by his attorney duly authorized, in presence of the president or of the treasurer for the time being, subject however to the payments due or that may become due thereon ; and the person to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.
- Transferable.** SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, at which meeting a majority shall be a quorum, who, in the absence of the president shall choose a chairman, and shall keep minutes of their proceedings fairly entered in a book to be kept for that purpose ; and a quorum being met, they shall have full power and authority to appoint such engineers, assistants and workmen as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages ; they shall also have power to make contracts, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work done and labor performed, or materials furnished ; which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act or by the by-laws of the company shall be committed to him.
- Quorum.** SECTION 7. If any stockholder, after thirty days' notice in the manner aforesaid, of the time and places appointed for the payment of any proportion, dividend or instalment of said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereupon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the
- Powers.**
- Forfeiture of stock.**

rate of two per cent. per month for every delay of such payment ; and if the same and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the minute book by the clerk at such meeting.

SECTION 8. Before the president and managers of the company aforesaid shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purpose of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners ; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of common pleas of the proper county, who, upon such application, are hereby authorized and required to appoint three discreet and disinterested persons of such county, who, after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same ; and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken as aforesaid, and having estimated the advantages as well as disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return, together with a map describing the bounds of such lands to the said court of common pleas ; and the said appraisement having been confirmed by the court, shall be filed in the prothonotary's office together with the said map ; and the said president, managers and company having paid to the said owners respectively, the several sums awarded to be paid to them, together with the costs of appraisement, the said corporation shall be entitled to have and to hold, to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners.

Damages, how
adjusted.

SECTION 9. That president and managers of said company shall keep fair and just accounts of all moneys received by them from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profits on shares which may be forfeited as aforesaid, of all voluntary contributions, and of all moneys expended by them in the prosecution of the said work, and shall once in every year submit such accounts in detail, to a general meeting of the stockholders, until the said bridge be completed ; and all expenses incurred in erecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained ; and if such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the capital stock will not be sufficient to complete said bridge according to the true and intent and meaning of this act, it shall be lawful for the said company at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed on such shares, in like manner and under like penalties, as are herein provided for the original subscription.

Accounts.

Increase shares.

When bridge is completed, to be vested in said company, &c.
Tolls.

SECTION 10. When the said bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company and their successors and assigns; and the said company, their successors and assigns, are hereby empowered to erect gates, and demand and receive tolls as follows, to wit: For every foot passenger, two cents; for every carriage or wagon, used for the purpose of agriculture, having four wheels, ten cents for each horse drawing the same; for every carriage, wagon or cart, used for the purpose of agriculture, having two wheels, ten cents for each horse drawing the same; for every carriage used for personal accommodation or pleasure, having four wheels, twelve and one-half cents for each horse drawing the same; for every carriage having two wheels, use for personal accommodation or pleasure, twelve and one-half cents for each horse drawing the same; for every sleigh, sled, ten cents for each horse drawing the same; for every horse, mare, gelding or mule, with or without rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated each ox equal to one horse, and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muly cattle, three cents; for every head of sheep or swine, one cent: *Provided*, That the said president, managers and company may at any time reduce the tolls upon said bridge, below the several rates specified in this section.

Proviso.

Penalty for demanding excess of toll.

SECTION 11. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rates or prices for passing over said bridge than what is hereinbefore prescribed, or shall neglect to keep said bridge in repair, he or they shall forfeit and pay for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace of said county, one-half whereof to be paid to the overseers of the poor of the township in which suit shall be brought, and the other half to the person who may sue for the same: *Provided always*, That no such suit shall be brought unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice in any case brought before him, shall be liable to reversion, either by appeal to the court of common pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

Proviso.

Dividends.

SECTION 12. That the said president, managers and company shall keep a just account of all moneys received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income of, and profits thereof, among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing and re-building of the said bridge, as time and accident may render necessary; and shall, on the first week of June and December of every year, publish the dividend to be made of the clear profits arising from the tolls among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly, in ten days thereafter, or as soon as the same shall be demanded.

Enter upon lands.

SECTION 13. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and hands, when so directed or authorized by the president and managers, to enter in and upon lands, tenements and enclosures, for the examination and location; and they shall have full liberty to take and carry away all stone, gravel and other materials necessary for the completion of said

bridge, first paying or securing to be paid, a just compensation for the same; and in case of the refusal to pay the owner of the said material therefor, suit may be sustained and recovery had, in like manner as other debts are now recoverable by law.

SECTION 14. If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridge, or any toll house, gates, bars or other property of the said corporation, erected for the use of said bridge or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls affixed, in any place for the information of passengers, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence to the said corporation the sum of twenty dollars, to be sued for and recovered before any justice of the peace or alderman, as debts of like amount are recoverable; and he, she or they so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no suit shall be brought unless within thirty days after such offence shall have been committed, and the judgment of the said justice or alderman shall be liable to reversal as provided for in similar cases by law. Penalty for injuries.

SECTION 15. If the president, managers and company for erecting the bridge aforesaid shall not proceed to carry on the said work within the space of three years from the passing of this act, and shall not within the space of six years from the passing thereof complete the same, the rights and privileges hereby granted to said company shall revert to the commonwealth: *Provided*, That the commissioners of Mifflin and Huntingdon counties shall be authorized, if they deem it expedient, to subscribe any amount not exceeding two thousand dollars each to said bridge. Commencement and completion of bridge.

SECTION 16. That the first proviso to the second section of the act, entitled "An Act to regulate the taking up of lumber and flat boats in the Ohio, Allegheny and Monongahela rivers and their tributaries, and to change the schute on Wise's ripple, in the Monongahela river, near Fredericktown," passed the sixth day of March, A. D., one thousand eight hundred and forty-nine, be and the same is hereby repealed. Repeal of first proviso of certain act.

SECTION 17. That the act passed the eleventh day of March, one thousand eight hundred and fifty, entitled "An Act relating to bridges," shall not be so construed as to prevent the erection of a free bridge within the distance of one mile from any incorporated toll bridge which shall have enjoyed the rights and privileges of said act of incorporation for a period of fifteen years. Construction of certain act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 220.

A SUPPLEMENT

To an act, entitled "An Act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes; and in relation to the cattle market in Callowhill street."

Board of health Philadelphia authorized to sell certain lot of ground, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the board of health of the city and districts of Philadelphia, be and they are hereby authorized and empowered to sell and dispose of their lot of ground in Blockley township, Philadelphia county, containing one hundred and twenty-six perches, now used as a burial ground, and to execute a good and sufficient deed or deeds of conveyance for the same to any purchaser or purchasers in fee simple, freed and discharged from all trusts whatsoever.

Member elect from West Philadelphia, continue in office till 1852.

SECTION 2. That the member of the board of health for the borough of West Philadelphia, elected Anno Domini, one thousand eight hundred and fifty, shall continue in office till one thousand eight hundred and fifty-two, and from and after one thousand eight hundred and fifty-two the member shall be elected for three years; and all acts or parts of acts inconsistent with this, be and the same are hereby repealed.

Construction of third section of certain act.

SECTION 3. That the third section of an act approved the fifth day of April, one thousand eight hundred and forty-nine, shall be so construed as to allow the keeping of swine in the cattle market now located in Callowhill street, between Thirteenth and Broad, for the term of three years from the first day of April next.

City and port of Philadelphia, for protection of.

SECTION 4. That for the purpose of more effectually securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, every ship or vessel arriving from a foreign port shall, in addition to the visitation and examination now prescribed, be visited by the Lazaretto physician before passing the Lazaretto, or the port physician before being hauled to any wharf within the city or port of Philadelphia, and such Lazaretto physician or port physician, as the case may be, shall rigidly examine the baggage, effects and property of the passengers and crew, for which service he shall then receive and pay over to the board of health the sum of fifty cents for each and every person on board such vessel: *Provided*, That in advance of such visit or payment of money, and in lieu thereof, the board of health may take security from the master, owner or consignee of the vessel, or importer of or agent for the passengers, conditioned for the payment of all such sums immediately on the arrival of such ship or vessel at the city or port of Philadelphia; and if any master, pilot, owner or consignee of such ship or vessel, or any other person, shall bring or cause to be brought, such ship or vessel from the Lazaretto, or haul or cause her to be hauled to any wharf, before paying such moneys, or giving security as aforesaid, he or they so offending, shall for every such offence

forfeit and pay to the board of health the sum of five hundred dollars, to be recovered as penalties of like amount are now by law recoverable.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 221.

AN ACT

Authorizing the trustee of the estate of Thomas Torrence, a lunatic, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the court of common pleas of Washington county, to authorize and empower the trustee of Thomas Torrence, of Robison township, in said county, a lunatic, to sell and convey a certain tract of land situate in Washington and Allegheny counties, containing about seventy acres, and grant him the power of investing the money in such real estate securities as will be most advantageous to the family of said lunatic, and at the same time secure his support and maintenance: *Provided,* That the said trustee before he shall make such sale, shall give security, to be approved by the court of common pleas of Washington county, that he will well and faithfully invest the proceeds of the sale of said real estate.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 222.

AN ACT

To change the names of James Elder and George Elder, and confer on them the rights and privileges of children born in lawful wedlock; and to change the name of Robert Jones to Robert Clarendon Jones.

James Elder and
George Elder le-
gitimated, and
name changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, James Elder and George Elder, illegitimate sons of James Dorsey and Elizabeth Dorsey, his wife, of Washington county, shall be called and known by the names of James Dorsey and George Dorsey, and by these names be capable of suing and being sued, and of granting and taking any real or personal estate, by grant, devise, purchase or otherwise, as if they had been always known by the names of James Dorsey and George Dorsey, and shall have all the rights and privileges of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if they had been born in lawful wedlock.

Robert Jones,
name changed.

SECTION 2. That Robert Jones, of the county of Philadelphia, be and he is hereby authorized to change his name from Robert Jones to Robert Clarendon Jones, and he shall henceforth be called and known by the name of Robert Clarendon Jones, and by that name he shall be able and capable in law to sue and be sued, grant, receive and inherit property, and to do all other legal acts and things as fully and effectually, to all intents and purposes, as he could have done under his former name if no change had been made therein.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 223.

A N A C T

To incorporate the president and managers of the Silver Lake turnpike road company; and to authorize the laying out of a state road in Centre and Union counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That J. W. Brackney, Edward W. Rose, D. D. Warner, Leonard Searle, Commissioners. J. B. Sailsbury, Isaac L. Post, William J. Mulford and Daniel Searle, of the county of Susquehanna, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Silver Lake turnpike road company," with power to construct a turnpike road commencing at the Style. borough of Montrose, in Susquehanna county, and thence by the best route to the termination of Hanley's turnpike at the state line, in Silver Lake township, county aforesaid; the route of the road to be agreed upon Location. and adopted by the stockholders, or a majority of them, at a meeting called for that purpose, subject to all the provisions and restrictions of Subject to provisions of certain an act regulating turnpike and plank road companies, approved the act. twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine.

SECTION 2. That the capital stock of said company shall consist of Capital stock. five hundred shares, at twenty-five dollars each; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner, and under like penalties, as are provided in the above referred to act in the case of the original subscriptions.

SECTION 3. That Henry P. Freziyulny, George Fowler and George Commissioners Mayor Lemon, be and they are hereby appointed commissioners to lay out a state road from Penn township, Centre county, to Hartley township, Union county. to view, lay out and make a state road, beginning at the public road near the forks of Pine creek, in Penn township, Centre county; thence down the said Pine creek to the public road near Fulmer's said mill, in Hartley township, Union county.

SECTION 4. It shall be the duty of said commissioners to meet at the Duties. house of Leonard Rosslette, in Penn township, Centre county, on the twelfth of June next, or as soon thereafter as convenient, and after being duly sworn or affirmed to discharge the duties enjoined by this act faithfully, to proceed and view the ground over which said road is to pass, and lay out the same in the most judicious manner, having a due regard to the nature of the ground, and doing as little injury to private property as possible, and plainly to mark the road laid out; and the said commissioners shall receive a per diem allowance of one dollar and fifty cents for each day necessarily engaged under this act, and to employ a surveyor at one dollar and fifty cents per day; or if either of the

said commissioners perform the duties of surveyor, he is to receive an additional sum of one dollar per day, which shall be paid out of the treasuries of the respective counties through which the said road may pass, according to the time actually spent in locating said road in the respective counties; and the said commissioners shall, on or before the first day of January next, make out two drafts of said road, noting courses and distances, one of which shall be forwarded to the secretary of the commonwealth, to be filed in his office as a matter of record, one other in each of the counties through which said road may pass; and from the time of such filing, the said road shall be, to all intents and purposes, a public road, and shall be opened and retained as all other roads are.

Repeal of the third and fourth sections of certain act.

SECTION 5. That the third and fourth sections of the supplement to an act enabling the governor to incorporate a company to make an artificial road from the state line to intersect the Chambersburg and Bedford turnpike road at or near the east end of M'Connellsburg, approved the twenty-ninth day of March, one thousand eight hundred and forty-nine, be and the same are hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 224.

A SUPPLEMENT

To an act to authorize the governor to incorporate the Whitmarsh and Plymouth turnpike road company, approved the eighth day of March, one thousand eight hundred and forty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Whitmarsh and Plymouth turnpike road company, be and are hereby authorized to erect and place upon said road one or more toll-gates, as may be deemed necessary by said president and managers to protect the interest of said company, and also appoint such toll-gatherers as may be necessary to attend said gates.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 225.

AN ACT

Relating to the estate of Abraham M'Causland, late of Fayette county, and Samuel Tate, late of Bedford county, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Stephen Richards, administrator with the will annexed of Abraham M'Causland, deceased, (colored man,) late of Fayette county, be and is hereby authorized and required to pay over to Rachel M'Causland and Matilda Pitman, alias Matilda Brown, (colored women,) the legacies in the will of the said Abraham M'Causland, or to their lawfully constituted attorney, or in the case of the death of either or both of said women, to her or their legal representatives in equal proportions, all the money or moneys that may remain in his hands of said estate, after a final settlement of his administration accounts and the payment of the collateral inheritance tax chargeable upon said estate.

Administrator of Abraham M'Causland, deceased, authorized to pay over certain moneys.

SECTION 2. That all the deeds of conveyance made and delivered by Samuel Haines and John Cessna, acting executors of the last will and testament of Samuel Tate, deceased, for real estate of said testator, in the county of Bedford, be and the same are hereby declared good and valid, and shall vest in the grantees therein named, their heirs and assigns, all the right, title and interest which the said Samuel Tate had at and before the time of his decease.

Certain deeds made by Samuel Haines and John Cessna, validated

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 226.

AN ACT

To incorporate the Lancaster and Ephrata turnpike and plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners.	William Konigsmacher, John Forney, Jacob Reist, John K. Reed, Abraham Shenk, John Royer, Henry E. Lehman, John Miller, Abraham Landis, Jeremiah Bauman, Joseph Konigsmacher, Thomas E. Franklin, Thomas Baumgardner, F. J. Krumph, David Longenecker, Robert Moderwell, George W. Hamersly, George Lawber, Charles Bowman, John W. Gross, Henry Fritz, John N. Lane, F. A. Muhlenberg, William Gline, or any three of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Lancaster and Ephrata turnpike and plank road company," with power to construct a turnpike plank road, or a road part turnpike and part plank, from a point at or near the intersection of the Reading road with the Lancaster and Litiz turnpike, near the city of Lancaster; thence by or as near as may be practicable along said Reading road, by the village of Oregon and New Berlin, to the Downingtown, Ephrata and Harrisburg turnpike, at or near where it crosses the said Reading road, subject to all the provisions and restrictions, and with all the powers and privileges contained in an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement to said act, approved the seventh day of April, Anno Domini, one thousand eight hundred and forty-nine: <i>Provided</i> , That the said company shall have the right to make use of the whole, or any part of the said Reading road, and locate their road upon the ground now occupied by it; and it shall be lawful for the court of quarter sessions of Lancaster county, to appoint viewers to view and vacate such parts of the said Reading road, as shall be used or rendered useless by the said company, as is provided by the general road laws of this commonwealth in the cases of roads which have become useless.
Style.	
Location.	
Subject to provisions of certain act.	
Proviso.	
Capital stock.	SECTION 2. That the capital stock of said company shall consist of one thousand shares, of twenty-five dollars per share: <i>Provided</i> , That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and carry out the true intent and meaning of this act.
Restrictions.	SECTION 3. That it shall not be lawful for any person or persons residing at or near any of the toll gates erected on said road, to enter the said road on either side of the said gate, and make use of the same beyond the limits of his, her or their farm, without paying the usual tolls to said company; and if the said person or persons, or any other person or persons, shall so enter upon and use the said road, or shall make use of any private road, way or passage, to get around any toll gate, he, she or they shall not only be liable to the said company for their regular tolls for the distance actually traveled by them respectively on said road, to be recovered as debts of like amount are by law recoverable, but shall also be liable to a penalty of ten dollars for each and every violation of the provisions of this section, recoverable with costs of suit, as debts of like amount are now recoverable, before any justice of the peace or alderman of the proper county; one-half thereof for the use of the informer, (who is hereby declared to be a competent witness in the case,) and the other half for the use of the said company.
Commencement and completion of road.	SECTION 4. That if said company shall not commence their road within three years from the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except so

far as the same may be necessary to wind up the affairs, and pay the debts of the company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 227.

AN ACT

Relative to the escheated estate of Frederick Forster, deceased; to a school district in Adams county; to the Union canal company; to the sale of spirituous liquors in Warren county; to a clerical error in the act to incorporate the borough of Marietta; and to the collection of taxes in Franklin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the right, title, claim and interest of the commonwealth of Pennsylvania to the estate of said Frederick Forster, deceased, is hereby relinquished in favor of and vested in and conferred upon John Hoover, of Adams county, and Henry Forster, of Halifax township, Dauphin county, the one-third thereof to the said John Hoover, and the residue to the said Henry Forster; and the administrator of the said Frederick Forster, deceased, is hereby authorized and directed to pay out any balance of the estate that shall remain in his hands upon final settlement, to the persons hereinbefore named in the proportions above specified, and on doing so, shall be and hereby is discharged and exonerated from all further claims, demands or responsibility in said estate.

Claim of the commonwealth relinquished in the estate of Frederick Forster, deceased.

SECTION 2. That the name of Adam Geigh, as *continued* in the first section of the act approved the eleventh day of March, one thousand eight hundred and fifty, entitled "An Act constituting the town of Hampton, in Adams county, a separate school district, shall be *constituted* to mean and read Levi Chronester, according to the true intent and meaning thereof.

Name of Adam Geigh, in certain act, corrected.

SECTION 3. That the new shares of stock authorized to be issued by the fifth section of the act of eleventh April, one thousand eight hundred and forty-five, relative to the Union canal company of Pennsylvania, shall be and the same is hereby declared to be entitled to such preference and privileges over the residue of the capital stock of said Union canal company, as the stockholders, at a meeting called according to the charter, may at any time determine; and the proceedings of said stockholders heretofore had in relation to the creation of said new stock, and the privileges given to the same, be and the same are hereby rai-

Union canal company, relative to.

fied and confirmed ; and all trustees, executors and administrators who are holders of stock in the said company, are hereby authorized to subscribe to said new stock, or to receive the same in exchange for any stock held by them.

Warren county,
penalty for sell-
ing spirituous
liquors to Indians
in.

SECTION 4. That from and after the passage of this act, it shall not be lawful for any person or persons to sell or cause to be sold within the county of Warren, to any Indian or Indians, squaw or squaws, any spirituous or vinous liquors, and every person or persons so offending against the provisions of this act, shall forfeit and pay a penalty of thirty dollars for each offence ; the one-half thereof to the person who shall sue for and recover the same, and the other half to the overseers of the poor of the borough or township where the offence is committed, which penalty may be recovered as debts of like amount are now by law recoverable.

Clerical error in
the act of incor-
poration of the
borough of Ma-
rietta, corrected.

SECTION 5. That a clerical error occurs in the first line of the tenth section of an act passed the fifth day of April, one thousand eight hundred and forty-nine, entitled "An Act to incorporate the borough of Marietta, in the county of Lancaster, passed February fifteenth, one thousand eight hundred and thirty-four, relating to the collection of school taxes in Manor and Earl townships, Lancaster county ; and relative to the election of a justice of the peace in the borough of Manheim in said county," the word seventeen where it occurs should read seventh.

Franklin county,
relative to collec-
tion of taxes in.

SECTION 6. That instead of the notice required by the second section of the act, entitled "An Act to provide a more effectual and economical mode of collecting state and county taxes in the county of Chester, Franklin and Adams ; for increasing and regulating the tax on dividends of banks and savings institutions ; and for requiring supervisors and school tax collectors in Lebanon county to give bonds," approved the fifteenth day of March, one thousand eight hundred and forty-nine, it shall hereafter be the duty of the several collectors of the state and county taxes in the county of Franklin, to give at least sixty days' notice of a time and place at which they will attend in their respective townships and borough in said county, for the purpose of collecting and receiving the said taxes, which time to be fixed shall be between the twenty-fifth day of June and the tenth day of July in every year ; said notice to be given in the manner prescribed in the said act of fifteenth March, one thousand eight hundred and forty-nine : *Provided*, That the provisions of this section shall take effect immediately, and be applicable to the taxes of the present year.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 228.

A SUPPLEMENT

To an act, entitled "An Act erecting parts of Beaver and Mercer counties into a separate county, to be called Lawrence," approved the twentieth day of March, Anno Domini, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the collectors appointed by the commissioners of Mercer county, for the different townships of Mercer county, which are now embraced within the limits of Lawrence county, shall collect, pay to, and settle the amount of their duplicates with the treasurer of Lawrence county; and the collectors appointed by the commissioners of Beaver county, for the townships of Beaver county, embraced within the limits of Lawrence county, shall collect, pay to, and settle the amount of their duplicates with the treasurer of Lawrence county; and the commissioners of Lawrence county, shall have the same powers and remedies to compel such collections and settlements, as the commissioners of Beaver and Mercer counties would have had if the act to which this is a supplement had not been enacted; and any judgment or proceeding which may have been commenced or entered in the courts of either of the said counties of Beaver and Mercer, in favor of either of the said counties, and against any of the said collectors, may be transferred to the courts of the county of Lawrence, and proceedings may be had thereon in all respects as if the same had originally been entered or commenced in the county of Lawrence; and it shall be the duty of the prothonotary of Lawrence county, on the production to him of a copy of any such proceeding or judgment, certified to by the prothonotary of either of the said counties of Beaver or Mercer, to enter the same upon the docket of the court of common pleas of the county of Lawrence, and the said record being so entered, shall have the same legal force and virtue, and process, execution or any other proceeding may be had thereon in all respects, as if the same had been originally commenced and entered in the courts of Lawrence county.

SECTION 2. That it shall be the duty of the commissioners of Lawrence county, as soon as the amount shall have been ascertained in the manner hereinafter prescribed, to cause to be paid to the treasurer of Mercer county, such sum or amount of county taxes for the year one thousand eight hundred and forty-nine, collected and paid into the treasury of Lawrence county, in pursuance of the first section of this act, and the act to which this is a supplement, as shall be a fair and just proportion, according to the taxable population, of the current expenses (except improvement expenses,) of the county of Mercer, from the commencement of the fiscal year to the first day of September, one thousand eight hundred and forty-nine, first deducting therefrom the amount of county tax which may have been paid into the treasury of Mercer county, in pursuance of the fifth section of the act to which this is a supplement, and which may not have been paid therefrom for and on account of Lawrence county, together with all arrears of taxes of whatever kind, state tax of one thousand eight hundred and forty-

Collectors of the several townships of Mercer county, who are now included within the limits of Lawrence county, duties of.

Commissioners of Lawrence county, duties of.

nine, and militia fines collected and paid into the treasury of Lawrence county, in pursuance of the first section of this act, less the whole amount of exonerations and legal fees, which exonerations the commissioners of Lawrence county are hereby authorized to make; and they are hereby required, as soon as conveniently may be, to furnish the commissioners of Mercer county with a statement of the fees, a list of the names of the persons exonerated, amount of and reason for such exonerations as aforesaid; it shall also be the duty of the commissioners of Lawrence county, to pay to and settle with the treasurer and commissioners of Beaver county, the expenses as aforesaid of Beaver, at the time, in the manner, and subject to all and singular the directions in this section as to Mercer county, except that the improvement expenses in Beaver county shall not be excluded in said settlement.

SECTION 3. That Joseph T. Marks, of Allegheny county, Joseph Brown and John M. Sullivan, of Butler county, are hereby appointed commissioners, who, upon being notified by any officer of either of said counties interested, shall do and perform the duties enjoined upon them by this act, who shall before entering upon said duties, take and subscribe an oath or affirmation, severally, before a justice of the peace, to discharge said duties with impartiality and fidelity; that is to say, they shall on or before the first day of November next, adjust and settle the fair and equitable proportion of the current expenses of the counties of Beaver and Mercer respectively, as stated in the second section of this act, which shall be borne and paid by the county of Lawrence, a copy whereof shall be filed with the commissioners of each of said counties interested, on or before the fifteenth day of November next; and for the purpose of enabling them to perform said duties they shall by themselves, or either of them, or by their attorney, have free access to the books of accounts and papers on file in the commissioners' office in each of said counties, and all reasonable charges and expenses necessarily attending said examination and settlement, shall be paid proportionably by said counties interested: *Provided*, That said commissioners shall have power to fill any vacancy which may happen in said commission, by and with the consent of the commissioners of said counties as aforesaid: *And provided further*, That the commissioners first named in this section, shall not be required to perform the duties mentioned therein, unless the commissioners of said counties interested, shall neglect or fail to settle and adjust to the satisfaction of the commissioners of said counties interested respectively, the expenses as aforesaid, for the space of ninety days after they shall have been notified respectively of the passage of this act, and the provisions of this section.

SECTION 4. The qualified electors of the county of Lawrence shall, at the times and places for the election of representatives, as often as it shall become necessary, elect one person to fill the offices of prothonotary of the court of common pleas, clerk of the court of quarter sessions of the peace, clerk of the court of oyer and terminer, and clerk of the orphans' court, and one person to fill the offices of register of wills and recorder of deeds: *Provided*, That the persons heretofore elected to and now holding said offices, shall continue to hold the same as if this act had existed at the time of their election.

SECTION 5. The county of Lawrence is hereby attached to and declared to be part of the Western Penitentiary district.

SECTION 6. That all cases and proceedings in the orphans' court and courts of quarter sessions of the peace of the counties of Beaver and Mercer respectively, transferred to the same courts of the county of Lawrence, under the provisions of the fourth section of the act to which this is a supplement, or any other act, shall be deemed to be pending

Joseph T. Marks,
Joseph Brown
and John M.
Sullivan, ap-
pointed commis-
sioners.

Duties.

Election of county
officers in
Lawrence county

Lawrence county
attached to the
Western peni-
tentiary district.

Proceedings of
the different
courts of Beaver
and Mercer

in said courts of Lawrence county respectively, and shall be proceeded in like manner and with like effect as if originally instituted therein: *Provided*, That in the matter of unsettled accounts of executors, administrators and guardians, and all unfinished proceedings on the estates of decedents, heretofore omitted to be transferred, where the decedent at the time of his decease, was a resident of what now is Lawrence county, shall, upon the application of any person interested, to the clerks of the orphans' court of Beaver and Mercer counties respectively, be certified by said clerks, together with all the papers thereto appertaining, to the orphans' court of Lawrence county, and shall thenceforth be deemed pending, and be proceeded in therein: *Provided further*, That cases and proceedings in the court of quarter sessions of the peace for Beaver and Mercer counties respectively, remaining unfinished and not transferred when the subject matter of such proceeding lies within the county of Lawrence, shall, upon application of any person interested, be likewise certified into the quarter sessions of Lawrence county, to be proceeded in; and the reasonable costs of exemplifications from the orphans' court, and also from the court of quarter sessions, where the matter shall be of public concern, shall be paid by the commissioners of Lawrence county.

counties, transferred to the county of Lawrence.

SECTION 7. The commissioners of Lawrence county are hereby authorized and directed to pay to Thomas Falls, William Moore and William Cairns, of said county, the sum of two hundred and fifty-three dollars for money expended by said Moore, Falls and Cairns, for the use of said county, by warrants on the treasurer thereof in the usual way.

Commissioners of Lawrence county required to pay certain moneys.

SECTION 8. The provisions of an act, entitled "An Act relating to the lien of mechanics and others upon buildings," approved the sixteenth day of June, one thousand eight hundred and thirty-six, and the supplements thereto, are hereby extended to Lawrence county: *Provided*, The mechanics' liens or claims already filed in the office of the prothonotary of said county, in conformity with said act and supplements, within six months from the time of the work done or materials furnished, shall be as good and valid as if this act had existed at the time of filing said liens or claims.

Provisions of certain act extended to Lawrence county.

SECTION 9. The provisions of an act, entitled "An Act directing the manner of serving writs of summons in certain cases in the county of Mercer," approved the tenth day of April, one thousand eight hundred and forty-nine, is hereby extended to the county of Lawrence.

Further provisions extended to Lawrence county

SECTION 10. That the commissioners of the county of Lawrence shall, as soon after the passage of this act as shall be practicable, designate by numbers, and in such other manner as they shall think proper, four several sites for the location of the county buildings for said county, in or within one-fourth of a mile from the borough of New Castle, including the site already fixed by the commissioners appointed for that purpose; they shall also procure a book in which to receive subscriptions of money, land, labor and materials to aid in defraying the expenses of erecting said buildings for each of said sites, and shall permit all and every person or persons, body politic or corporate, by themselves or their agent, to subscribe in either of said books such sum or amount of money, land, labor or materials, as he, she or they may think proper for the purpose aforesaid; and it is hereby made the duty of said county commissioners to give to every person or persons, body politic or corporate, within said county, every facility in their power to make subscriptions as aforesaid, for the space of two months from the time of opening said books; and at the expiration of said term they shall forthwith determine upon which of said sites as aforesaid, the said

County buildings.

buildings shall be erected, and proceed to erect the same in the manner directed by law, having due regard to the healthfulness of the site, convenience and interest of the citizens of said county, as the amount of subscription to each of said sites: *Provided*, That before proceeding to erect said buildings, they shall take such security as in their judgment shall be ample to insure the payment of the whole amount subscribed to the successful site.

Judgments, relative to.

SECTION 11. That all and every judgment entered by the prothonotary of the court of common pleas of Lawrence county, upon a note or bond, with warrant of attorney to the prothonotary of Beaver and Mercer counties respectively, to enter judgment thereon, where the obligor or obligors in such note or bond, or either of them, shall reside in the county of Lawrence, shall be as good and valid in law as if the prothonotary of the court of common pleas of Lawrence county had been named in the warrant of attorney in such note or bond.

Repeal.

SECTION 12. So much of the act to which this is a supplement, or any other law as is hereby altered or supplied, or is inconsistent herewith, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 229.

AN ACT

Declaring Bear creek, in Elk county, Wykoff's run, in Clinton county, and certain streams in Cambria county, public highways; relative to fishing with seines or nets in the waters of Fishing creek, in Clinton county; to the repair of a certain road in M'Kean county, and the construction of a dam across Clarion river.

Bear creek declared a public highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Bear creek, in the county of Elk, be and the same is hereby declared to be a public highway, from its junction with the Clarion river, for one mile up said creek.

Wykoff's run.

SECTION 2. That Wykoff's run, in the county of Clinton, be and the same is hereby declared to be a public highway from its junction with the Sinnemahoning, for six miles up said run.

Repeal.

SECTION 3. That so much of the twelfth section of the act, entitled "An Act to incorporate the Alexandria Delaware bridge company," approved May eighth, one thousand eight hundred and forty-one, prohibiting the fishing with seines or nets in the waters of Fishing creek,

county of Clinton, be and the same is hereby repealed, so far as the same relates to the townships of Logan and Greene, in said county.

SECTION 4. That the commissioners of M'Kean county are hereby authorized, if they deem it necessary and proper, to appropriate from the funds of said county, the sum of one thousand dollars, for the repair and improvement of that part of the public highway leading from Tunongwant creek, in Bradford township, in said county, to the Allegheny river in Eldred township, which lies between the east line of Bradford township aforesaid, and the saw mill known as the Beardsly mill, on Foster creek, in said township of Bradford; the money so appropriated to be expended under the direction of said commissioners: *Provided*, That not more than one-third of said sum shall be appropriated and expended in any one year.

Commissioners of M'Kean county, certain powers granted to.

SECTION 5. That Grinfell Blake and his associates, be and are hereby authorized to construct a dam across the Clarion river, for milling purposes, at or near Beach bottom, in Elk county: *Provided*, The same shall not be built over three and an half feet above low water mark, and subject to the provisions and penalties as are provided for by an act passed thirtieth of March, eighteen hundred and forty-six, entitled "An Act in relation to the obstruction of the Clarion river, and for other purposes."

Grinfell Blake and associates authorized to construct a dam across the Clarion river.

SECTION 6. That the following creeks, viz: from the mouth of Beaver creek to the mouth of Killbuck creek; from the mouth of North Beaver Dam run to Gill's saw mill; from the mouth of Slate Lick run to the Philipsburg road; from the mouth of Beaver Dam creek to the place the township road crosses it; all in the county of Cambria, be and the same are hereby declared to be public highways.

Mouth of Beaver creek and Killbuck, &c., declared public highways.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 230.

A SUPPLEMENT

To an act relating to inspections, passed the fifteenth day of April, one thousand eight hundred and thirty-five; in relation to path-masters in Erie county; the appointment of a flour inspector in Luzerne county; and to tavern licenses in Philadelphia city and county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Flour inspector, the governor is hereby authorized to appoint an inspector of flour and borough of Erie.

meal, who shall reside in the borough of Erie, whose duty it shall be, under the laws of this state for inspecting flour and meal, to inspect the flour of wheat, flour of rye, and meal made of Indian corn, and stamp upon the barrel or cask containing the same, if he approves of the flour or meal as merchantable, the letters B E.

Powers.

SECTION 2. That the said inspector shall have like powers and privileges, and be subject to like liabilities, and receive the like fees, as the inspectors of flour and meal appointed under existing laws for the city of Pittsburg and county of Allegheny.

Flour liable to inspection.

SECTION 3. That all flour which shall be brought from any state into the county of Erie, for the purpose of being offered for sale within the said county, shall be liable to the like inspection and regulations as flour manufactured within said county.

Path-master, Erie county, duties of.

SECTION 4. That the path-masters of the respective road districts of Erie county, shall hereafter be required to settle their accounts, verified by oath or affirmation, with the road commissioners of their respective townships, and the same penalties as is provided in the act of general assembly relating to the roads of Erie county, on the first Monday before the third Friday in March, of each and every year; and in case of any vacancy in the office of path-master, by death, resignation or otherwise, the road commissioners of the proper township shall fill the same by appointment, until the next annual election.

Town clerk to make out duplicate of road tax.

SECTION 5. That it shall be the duty of the town clerk to make out a duplicate of all the road tax to be collected in money, and deliver the same to the collector of the county rates and levies of the respective township, whose duty it shall be to collect and pay over the same, for the same rate of compensation, and under the same penalties as is now provided by law for the collection of county rates and levies; and all other acts and parts of acts as are inconsistent herewith, are hereby repealed.

Inspection of beef and pork, relative to.

SECTION 6. That so much of the act, entitled "An Act relating to inspections," passed the fifteenth of April, one thousand eight hundred and thirty-five, and the supplements thereto, as prescribes the manner of packing, branding and inspecting salted beef and pork, of the state of Pennsylvania, designed for ship stores or exportation, be and the same is hereby repealed; and hereafter the same shall not be liable to inspection unless at the request of the owner or purchaser thereof.

Inspector of wheat flour, Pittston, Luzerne county.

SECTION 7. That after the passage of this act, it shall be the duty of the governor of this commonwealth to appoint one suitable person as inspector of wheat flour in the township of Pittston, Luzerne county, whose duty it shall be to inspect, at the request of the purchasers, all wheat flour offered for sale in the said township of Pittston, and who shall receive as his fees for such duty, the sum of three cents per barrel; and so much of the act, entitled "An Act relating to inspectors," passed the fifteenth day of April, one thousand eight hundred and thirty-five, as requires the inspectors of wheat flour in the borough of Pottsville, Schuylkill county, with the several provisions, penalties and liabilities relating thereto, be and the same is hereby extended to the said township of Pittston; and it is hereby further provided, that the said inspector shall, if he approves of the flour submitted to his examination as merchantable, stamp the casks and plugs used by him as aforesaid, with the letters T P.

Tavern licenses, Philadelphia city and county, relative to.

SECTION 8. That nothing in the fourteenth section of the act of the sixteenth of April, one thousand eight hundred and forty-nine, entitled "An Act to change the mode of granting tavern licenses in the city and county of Philadelphia," shall be construed to prevent the prosecution by indictment, within said city and county, of persons selling spirituous

liquors by less measure than a quart without license, or to require any any other specification of the time of the commission of said offence, than has heretofore been required in indictments for keeping tippling houses, in the courts of the state.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 231.

AN ACT

To incorporate the Waynesburg college, in Greene county, state of Pennsylvania.

WHEREAS, Certain persons, holders of a lot of ground in the borough of Waynesburg, Greene county, with a large building in the process of erection thereon, designed for educational purposes, have manifested a desire to place the same when completed and ready for use under the control of the Pennsylvania Presbytery, of the Cumberland Presbyterian church of the United States, upon the condition that a college shall be started, in which at least three professorships shall be sustained by said Presbytery ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That there shall be, and hereby is established, in the borough of Waynesburg, Greene county, state of Pennsylvania, a college or public school for the education of youth in the English and other languages, literature and the useful arts and sciences, by the name and style of "The Waynesburg college;" the said college to be under the direction, management and government of seven trustees, a majority of whom shall constitute a quorum for the transaction of business, and which trustees and their successors, shall be and they are hereby declared to be a body politic and corporate, in deed and in law, by the name, style and title of "The Waynesburg college;" and by such name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity ; and shall be capable in law and equity, to take, hold and purchase for the use of said college, lands, goods, chattels, moneys, of any kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whatsoever, capable of giving or making the same ; and the same from time to time to sell, convey, mortgage or dispose of, for the use of said college ; to erect any buildings that may be necessary, and generally to do all and singular

Trustees.

Quorum.

Style.

Privileges.

the matters and things which may be lawful for them to do for the well being of the college, and the due management of the affairs thereof.

Seal. SECTION 2. That the said trustees shall have and use a common seal, with such devices and inscriptions thereon as they shall think proper, under and by which, all deeds, diplomas, certificates and written documents whatever, of said corporation, shall pass and be authenticated, and the same seal to break and device a new one.

Present trustees. SECTION 3. That Jesse Lazier, Jesse Hook, W. T. E. Webb, Bradley Mahanna, John Rodgers, honorable Mark Gordon, R. W. Downey, William Braden, A. G. Allison, William W. Sayer, doctor A. Shaw, John T. Hook and John Phelan, are hereby appointed trustees of said corporation, to hold their office until their successors shall be elected or appointed, in the manner hereinafter provided : said trustees shall be organized upon the call of any one of the number, and shall have power to adopt all needful rules and regulations, and to devise such means as shall be necessary for their government, as well as the speedy and effective completion of the college buildings ; and as soon as such college buildings shall be finished and ready for use, it shall be the duty of said trustees to give immediate notice to the stockholders thereof, by publication or otherwise, and also to the proper authorities of the Pennsylvania Presbytery of the Cumberland Presbyterian church, that the college buildings are ready for use and occupancy ; whereupon the said stockholders shall, on the first Monday of April following, and annually thereafter, at the college buildings, elect three trustees ; and the said Presbytery shall at the first spring meeting after such notice, and annually thereafter, elect four trustees, and such trustees so elected, chosen or appointed, shall hold their office for one year, or until their successors shall be elected, chosen or appointed : *Provided*, That if in case the said stockholders shall at any time fail to elect or appoint their number of the trustees, the said Presbytery may elect or appoint the seven trustees : *And provided further*, That said Presbytery shall establish and maintain at least three professorships in said college within three years from the notice of the erection of the buildings, otherwise said stockholders shall elect or appoint the whole number of trustees, after a failure by said Presbytery to establish and maintain such professorships within said period.

Conferring of degrees.

SECTION 4. The president and professors of the said college for the time being, shall have power to grant and confirm such degrees in the arts and sciences, to such students of the college and others, when, by their proficiency in learning, professional eminence, or other meritorious distinction, they shall be entitled thereto, as they may see fit, or as are granted in other colleges or universities in the United States, and to grant to graduates and others on whom such degrees may be conferred, diplomas or certificates as is usual in colleges and universities.

Vacancies.

SECTION 5. The trustees of the said college shall have power to fill vacancies, and to make and enact ordinances for the government of the college ; to elect or appoint the professors and teachers, and agree with them for their salaries ; to remove them for misconduct, or any cause which they may deem sufficient ; to appoint all such officers as they shall find necessary for managing the corporation ; to provide for the punishment of all violations of the rules, regulations and ordinances of the college, and generally to determine all matters and things which may occasionally arise, or be necessary to be determined by said trustees : *Provided*, That no ordinance or regulation shall be of any force if repugnant to the constitution of the United States, or of this commonwealth.

SECTION 6. No misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest, to or from said corporation : *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, devise, conveyance or assurance, or other writing, whereby any estate or interest was intended to pass to the said corporation.

SECTION 7. In all elections or other matters in which it shall be necessary for the stockholders to decide by vote, the right to vote shall be as follows : the holder of stock to the value of fifty dollars and under, shall be entitled to one vote ; over fifty dollars, and not exceeding one hundred and fifty dollars, two votes ; and all sums over one hundred and fifty dollars, three votes, and no more ; the said stock may be transferred on the books of the corporation, and the assignee thereof shall be entitled to all the rights of the original stockholder.

SECTION 8. That the legislature reserves the right to revoke, alter or amend the charter and privileges hereby granted, whenever in their opinion the same may be necessary ; in such manner, however, that no injustice will be done to the corporators.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 232.

AN ACT

To enable the trustee under the marriage settlement of Charles Stockton and Mary, his wife, to sell certain real estate ; and relating to the real estate of William Wells, of Chester county ; the minor children of Baltzer Carpenter, late of Luzerne county, deceased, and Robert Patterson, of Lancaster county ; and relative to a deed in Delaware county.

WHEREAS, By a certain deed of marriage settlement made the twenty-fourth day of October, in the year of our Lord, one thousand eight hundred and forty-three, between Mary Dager, widow of Peter Dager, late of the township of Whitmarsh, in the county of Montgomery, of the first part ; Charles Stockton, of the city of Philadelphia, of the second part ; and Alan W. Corson, of the same township of Whitmarsh, of the third part ; the whole estate of the said Mary was conveyed to the said Alan W. Corson, in fee in trust to hold the same for the use of the said Mary, until the solemnization of a marriage then intended between the said Mary and the said Charles, and after the said marriage for the sole and separate use of the said Mary during her natural life, and after her decease to convey a part of the said estate, to

wit: all that certain messuage or tenement and tract of land situate in the said township of Whitemarsh, in the county of Montgomery aforesaid, bounded by the Perkiomen and Ridge turnpike, by lands of Morris Righter, Nathan Detera, Frederick Dull and others, containing twenty-four acres of land more or less, with the appurtenances, to Daniel H. Dager, son of the said Mary Dager, and to his heirs and assigns, all which by reference to the said indenture, recorded at Norristown, in the said county of Montgomery, in miscellaneous book, No. 6, page 52, et cetera, will more fully appear:

And whereas, The said marriage between the said Charles and Mary was afterwards duly solemnized, and Henry Potts, esquire, was duly appointed by the court of common pleas of the county of Montgomery, trustee in the room and stead of the said Alan W. Corson, who had declined the said trust; and the said Daniel H. Dager, lately died leaving issue:

And whereas, It is believed by the parties that it will be to the advantage of the cestuis que trust, that the said real estate should be sold, and the moneys arising therefrom re-invested more advantageously for their common benefit, subject, however, to the trusts in the said indenture contained; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Potts, esquire, of the borough of Pottstown, trustee as aforesaid, or the trustee under the said indenture of marriage settlement, who in the event of his death or dismissal from the said trust, may be duly appointed in the stead of the said Henry Potts, be and he is hereby authorized and empowered to sell at public sale, for the best price that can be reasonably obtained for the same, the said messuage and tract of twenty-four acres of land more or less, above described, and to convey the same in fee simple, to the purchaser or purchasers thereof, free from and discharged of every trust; and to invest the proceeds of such sale in such securities as he may in his discretion see fit, and hold the same subject to the same trusts under which the said real estate is now held by the said trustee: *Provided,* That before such sale shall be made, the said trustee shall give good and sufficient security to the orphans' court of said county, in an amount double the value of the property proposed to be sold, conditioned that he will faithfully appropriate and invest said funds or purchase money, according to the conditions of said trust and directions of said court: *And provided also,* That said court shall approve of said sale.

Henry Potts authorized to sell certain real estate.

Robert Patterson, Lancaster county, authorized to sell certain real estate.

SECTION 2. That Robert Patterson, of Little Britain township, in the county of Lancaster, be and he is hereby authorized by deed to grant, convey and release for the sum of sixty dollars, to be paid to him, all the right, title and interest of Mary L. Patterson, of and in a certain tract of eighty-one acres of land, to the trustee of Malvina R. Ewing, in trust for the said Malvina, her heirs and assigns, for her sole and separate use: *Provided,* That the said Robert R. Patterson, before making such grant, conveyance or release, shall give security in the court of common pleas of Lancaster county, by bond, to be approved by two of the judges thereof, conditioned that he will well and faithfully apply said purchase money to and for the use of said Mary L. Patterson.

Executor of William Wells, authorized to sell real estate.

SECTION 3. That Edmund Wells, one of the executors of the last will and testament of William Wells, late of Coventry township, Chester county, deceased, be and is hereby authorized to sell at public sale, at the highest and best price that can be obtained for the same, all that

messuage and tract of land situated in North Coventry township, Chester county, containing about thirty-four acres, and late the estate of the said William Wells, and by him devised to Ann Turner, during her natural life, and then to descend to her two daughters, Sarah and Elizabeth, their heirs and assigns : *Provided*, That before the said sale shall take place, the said Edmund Wells shall give bond, with sufficient sureties, to be approved of by the orphans' court of Chester county, conditioned for the faithful application of the proceeds of the sale, agreeably to the will of the said William Wells : *And provided also*, That said court shall approve said sale.

SECTION 4. That it shall and may be lawful for John Bennett, guardian of Isaac, John B. and Mary Jane Carpenter, minor children of Baltzer Carpenter, deceased, late of Kingston, Luzerne county, to grant, bargain, sell and convey a certain messuage and tract of land, containing about one hundred acres, situate in said Kingston, the same being parts of certified lots, numbers seventeen and eighteen, of the third division of lots ; and also, the undivided interest of the intestate, in about thirty acres of said number seventeen, and which said thirty acres covers in part an old Yankee road, and is situate on the side of the mountain, and the said guardian is authorized to sell the same at either public or private sale ; but before such sale vests any title in the said guardian's vendee, the said guardian shall report his sale or sales to the orphans' court of said county, and if the said court shall approve such sale or sales, then the said court shall direct a bond to be filed, with like condition as is prescribed when a guardian is authorized to sell under an order of the orphans' court, and with such security and in such amount as the said court may direct and approve ; and in addition thereto, and before such sale or sales shall be confirmed, the said court shall direct in what mode and manner the purchase money shall be secured, and when the same or parts thereof shall be payable, and the said court shall further order and direct how the widow's third shall be secured, and the payment of the annual interest to her during life, shall be provided for before the sale shall be confirmed : *And provided*, That the written assent of the widow of the said Baltzer Carpenter, to such sale or sales, shall accompany the report thereof ; the orders and directions of the said court being complied with, and the sale or sales being approved, the said court shall forthwith finally and absolutely confirm such sale or sales, and thereupon the guardian shall have power to convey to his vendee, all such estate and title as the intestate had at and immediately before his death.

SECTION 5. That the deed, grant or conveyance from Stephen Morgan and Sally, his wife, the grand-daughter and only surviving heir of Ruhana Somerville, one of the heirs at law of John Irwin, to Samuel Blythe, bearing date the twenty-sixth day of August, one thousand eight hundred and five, and recorded in the office for the recording of deeds in and for Delaware county, in deed book H, page 425, &c., for the one undivided third part of a messuage and two tracts of land, one of them situate in Ridley township, in said county, containing one hundred and three acres, or thereabouts, and the other situate in Tinicum township, in said county, containing fourteen acres, three-quarters and twenty-five perches, or thereabouts, the execution whereof was proved by the oath of one of the subscribing witnesses thereto, before James Findley, esquire, one of the judges of the court of common pleas of Fayette county, in this commonwealth, and for which said deed, grant or conveyance, the consideration therein expressed, was received by said grantors, shall be taken to be good and effectual for granting, conveying and releasing of all the right, title and interest of the said wife or

Guardian of
Isaac, John B.
and Mary Jane
Carpenter, au-
thorized to sell
real estate.

Deeds, &c., from
Stephen Morgan
and Sally, his
wife, validated.

married woman in the said messuage and two tracts of land, although said deed, grant or conveyance was not acknowledged by said husband and wife; and that the aforesaid record of said deed, grant or conveyance shall be as full and legal evidence as if the same had been duly acknowledged and placed upon record, according to the laws of this commonwealth.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 233.

AN ACT

To refund to William H. Keim and John H. Nagle, administrators of the estate of Esther High, deceased, an over payment made by them into the state treasury; and relative to the claim of Samuel Black.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized and required to refund to William H. Keim and John H. Nagle, administrators of the estate of Esther High, deceased, late of the city of Reading, the sum of one hundred and seventy-eight dollars and sixty cents, being the amount of an over payment made by the said executors to the register of wills in the county of Berks, in paying the collateral inheritance tax on the gross amount of the estate of said decedent, in place of paying the said tax on the amount remaining after deducting the expenses of settling up said estate.

State treasurer authorized to refund certain moneys to Wm. H. Keim, and John H. Nagle, administrators, &c.

SECTION 2. That the canal commissioners be and are hereby authorized to examine the claim of Samuel Black, of Venango county, for damages sustained by the re-location of a portion of the Franklin line, French Creek division, of the Pennsylvania canal, and to report thereon to the next legislature, or if practicable, to this legislature.

Canal commissioners authorized to examine claim of Samuel Black.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 234.

AN ACT

Authorizing the trustees of the Coudersport academy to convey certain real estate in the county of Potter; and to confirm the title to certain real estate in Centre county; relative to the Orwigsburg academy; the Clinton County academy; and to cure a defect in a title to certain real estate situate in Northumberland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the trustees of the Coudersport academy, in the county of Potter, are hereby authorized to convey to the corporation of the borough of Coudersport, five acres of land, situate in the township of Eulalia, and being a part of a tract of land conveyed by John Keating to said trustees for school purposes, and upon which a burial ground has been commenced; and to execute to the said corporation a deed of conveyance in fee simple.

Coudersport academy, trustees of, authorized to convey certain real estate.

SECTION 2. That the trustees of the Orwigsburg academy, in the town of Orwigsburg, Schuylkill county, shall be authorized to appropriate the sum of one thousand dollars, which they have at interest in the county funds of said county, or so much thereof as they may deem necessary, to discharge the debts of the institution, and to meet the necessary expenses which may be incurred in the substantial repairing of the said academy building.

Orwigsburg academy, relative to.

SECTION 3. That the sale made by Jacob Hartir, attorney in fact of Elizabeth Neese, of the county of Centre, to Jacob Evertz, of the real estate of which William Neese, late of said county, died seized, and which was decreed to said Elizabeth Neese by the orphans' court of said county, be and the same is hereby confirmed; and that the title of the said Jacob Evertz and his assigns, is hereby made valid upon the payment of the balance of the purchase money and interest to the said Jacob Hartir.

Certain sale made by Jacob Hartir confirmed.

SECTION 4. That hereafter the affairs of the Clinton academy, in Lock Haven, Clinton county, shall be managed by three trustees, to be appointed by the court of quarter sessions of said county, at the next term of said court, or any subsequent term, one of whom to serve one year, one to serve two years, and one to serve three years; and annually thereafter the said court shall appoint one trustee to supply the vacancy occasioned by the expiration of the term for which said appointment was made; and the said trustees, when so appointed, shall be vested with the like power and authority as was originally conferred on the trustees of said academy.

Clinton academy, relative to.

SECTION 5. That the sale of certain real estate situate in Point township, Northumberland county, containing about four hundred and seven acres, more or less, sold as the property of Leonard Ploutz, late of said township, deceased, by his administrators, on the tenth day of November, A. D., eighteen hundred and forty-nine, at public vendue or outcry, to William Cameron, be and the same is hereby made valid and confirmed; and all defects or irregularities that may have occurred in the issuing of the order or orders of sale of said real estate, by the orphans' court of Northumberland county, or in the record of the re-

Real estate of Leonard Ploutz, deceased, relative to.

terms of said order or orders of sale, or in any other of the proceedings had in reference to said sale, he and the same are hereby cured; and the said administrators of the said Leonard Pionz, deceased, are hereby fully authorized and empowered to make, execute and deliver a good and sufficient deed, granting, assuring and conveying the said premises and appurtenances to the said purchaser, his heirs and assigns, in fee simple, upon his faithfully and duly complying with the conditions of said sale.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 235.

AN ACT

Relating to certain streets in the districts of Moyamensing, Kensington and Penn, and to the survey of the township of Pasayunk in the county of Philadelphia; and relative to the election of a justice of the peace; and to the Fellowship hose company of Germantown; fixing the fees of the clerk of the court of quarter sessions of the peace for the city and county of Philadelphia; and relative to the Bustleton and Somerton turnpike road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Arsenal street, Donaldson's alley, Federal alley, a ten feet wide alley commencing at Arsenal street, about two hundred and fifty feet eastward of Gray's Ferry road, running southwardly across Donaldson's alley into Buck road, and Buck road from its intersection with Federal street westward to Gray's Ferry road, in the western part of the district of Moyamensing, shall be and the same are hereby vacated: *Provide*, That the said Buck road shall not be closed or obstructed until Washington street, from Willow street westward to Gray's Ferry road, and Willow street, from Washington to Federal streets, shall be opened for public use, without charge or cost to the county of Philadelphia for damages.

SECTION 2. That that portion of Burden street as laid out upon the plan of the northern part of Pasayunk township, now the western part of the district of Moyamensing, lying on the north-westerly side of Gray's Ferry road, and on the south-westerly side of the ground of the United States naval asylum, is hereby vacated; and Ashton street, south of Cedar street, and Grover avenue, south of Gray's Ferry road, as laid out by the said plan, are hereby vacated, and in lieu thereof Ashton street of the breadth of fifty feet shall be laid out, the centre of which shall be

Arsenal street,
Donaldson's al-
ley and Federal
alley, vacated.

Provide.

Burden street.

Ashton street.

equidistant between Schuylkill Front street and Willow street, as laid out and delineated upon said plan.

SECTION 3. That Old Tidmarsh street, from its intersection with New Tidmarsh or Carpenter street, westward to Thirteenth street, in the said district of Moyamensing, is hereby vacated; and the commissioners of the said district of Moyamensing are hereby authorized to pave Delaware Seventh street from Catharine street to Passyunk road, and shall have the usual legal remedies for the collection of the cost thereof from the owners of the lots fronting upon said streets, in like manner as if a majority of said owners had consented to said paving.

SECTION 4. That the surveyor of the district of Moyamensing is hereby authorized to survey and lay out such and so many new streets within the south western portion of the said district of Moyamensing, where proper streets are not already laid out, as in his judgment will be necessary to accommodate the inhabitants and land-holders thereof, laying the same at or as near to right angles with each other as the nature of the place, and a reasonable conformity to the streets already established, will admit of.

Surveyor of Moyamensing authorized to lay out streets, &c.

SECTION 5. The said surveyor shall have full power to revise the levels and grades of that part of the said district lying south of Prime street and west of Schuylkill Third street, and establish the lines and descents of the water courses thereof in the most direct manner the nature of the ground will admit of, having regard, however, to the regulations already made; a correct copy of which survey, with the heights and descents of the water courses carefully marked thereon, shall be by him deposited in the office of the clerk of the court of quarter sessions of Philadelphia county; and the judges of the said court are hereby authorized and empowered to examine the same, and after hearing the objections of any land holders who may think themselves aggrieved, the said court shall at a time appointed, adjudge whether the same be fully and finally established, or whether any and what alterations shall be made thereon; and shall direct that the said plan or survey, together with their adjudication thereupon, be filed in the office of the clerk of the said court of quarter sessions; and the said survey and regulation shall be forever thereafter deemed and adjudged to be a part of the permanent regulations of the said district of Moyamensing.

Powers.

SECTION 6. That the said district surveyor shall be allowed the sum of three dollars for each and every day he shall be actually employed in the performance of the duties required by this act, and likewise be allowed such sums as may be necessary, not exceeding four dollars per day, to employ competent and proper persons to assist him in making said survey, all of which shall be paid in such manner as such surveys are usually paid.

Pay of.

SECTION 7. That a certain road or lane, commonly called Garlick Hall lane, in the district of Moyamensing, Philadelphia county, formerly extending from the Moyamensing road to the Passyunk road, and now crossing Delaware Fifth, Sixth, Seventh and Moore streets diagonally, and being also intersected by the Delaware and Schuylkill canal, be and the same is hereby vacated; and the soil thereof, to the middle of said road or lane, vested in the owners of the adjoining ground, on each side thereof respectively.

Garlick Hall lane, vacated.

SECTION 8. The county commissioners of Philadelphia county are hereby authorized and directed forthwith to draw, as road juries in the county of Philadelphia are drawn, a jury, who shall at as early a period as possible, proceed to assess the damage accruing to property by reason of the opening of Cherry street, from Queen street to West street, in the district of Kensington, in the county of Philadelphia; and the

Cherry street, relative to damages of.

report of the said jury shall be filed in the office of the clerk of the court of quarter sessions of the county of Philadelphia, and confirmed under the present existing road laws.

Girard avenue,
relative to dam-
ages of.

SECTION 9. That the report of the jury appointed to assess the damages to persons holding property, to be taken for public use in consequence of the opening of Girard avenue, in the county of Philadelphia, which report is filed of record in the office of the clerk of the quarter sessions for the county of Philadelphia, is hereby set aside; and the commissioners of the county of Philadelphia are hereby authorized and directed forthwith to draw, as road juries in the county of Philadelphia are drawn, a jury, who shall, at as early a period as possible, proceed to view and assess the damages on said Girard avenue, taking into consideration the advantages as well as the disadvantages, and shall report the same to the clerk of the court of quarter sessions of the county of Philadelphia; and the said damages, if any, shall be confirmed and paid in the same manner as damages are now paid under the present existing road laws, in the city and county of Philadelphia.

District of Penn.,
relative to the
grades and levels,
&c., of.

SECTION 10. That the surveyors of the district of Penn. in the county of Philadelphia, be and they are hereby authorized and empowered to revise the levels and grades in the said district, and make such alterations therein as in their opinion the public convenience and interest may require, of which alterations they shall make a correct draft or plan, which shall be submitted to the commissioners of the district, and if approved by them, shall, after such notice as the court of quarter sessions shall direct, be submitted to the judges of said court, and if approved by them, shall be and remain unalterable; and a copy thereof shall be filed in the office of the clerk of the court of quarter sessions for the city and county of Philadelphia.

Robert R. Means
to be commission-
ed justice of the
peace for the bor-
ough of Brook-
ville, Jefferson
county.

SECTION 11. That Robert R. Means, elected a justice of the peace in the borough of Brookville, in the county of Jefferson, on Monday, the fourth day of March, one thousand eight hundred and fifty, shall be commissioned by the Governor within eighty five days after said election, and his term of office shall commence from and after the expiration of the commission of James Corbet, a justice of the peace in said borough.

Passyunk town-
ship, relative to
streets, lanes,
roads and alleys
in.

SECTION 12. That George Hollick, Marshall Sprogell and James Simmons, are hereby appointed commissioners who, or any two of them, taking to their assistance a competent surveyor, shall have full power and authority, and they are hereby enjoined and required to survey the streets, lanes, roads and alleys already laid out in the township of Passyunk; and also to lay out such other streets, lanes and alleys in the township of Passyunk, as they may deem necessary for the convenience of the public and the future improvement of the district aforesaid; and it shall be the duty of the commissioners aforesaid, after having laid out the streets, lanes and alleys herein directed to be laid out, to make a correct plan or draft thereof, with the explanations necessary for the understanding of the same, and to return it to the court of quarter sessions of the county of Philadelphia; and it shall be the duty of the clerk to receive and file said plan or draft in his office for public inspection or examination, and to give public notice in at least two of the daily newspapers published in the city of Philadelphia, that on a certain day to be appointed by the court, they will hear any objections which may be made thereto by any of the freeholders of said district; and the said court shall at the time appointed, adjudge and determine whether any and what alterations shall be made therein, and thereupon they shall order and direct the said plan and alterations to be recorded, and the same to be fully and firmly

established; and thenceforward the streets, lanes and alleys so approved, shall be deemed and taken as public highways.

SECTION 13. That in case of the death, resignation or refusal to serve of either of the commissioners herein named, the county commissioners shall appoint another in his stead, with like powers and duties. Vacancies, how supplied.

SECTION 14. That no portion of said district shall be surveyed by said commissioners which is embraced in any survey heretofore made: Former surveys not to be affected.
Provided, That the whole cost of said survey, drafts and explanations for the township of Passyunk, shall not exceed the sum of one thousand dollars.

SECTION 15. That when the survey authorized to be made by the thirteenth section of this act, shall have been made and approved by the court of quarter sessions, and filed therein, the cost of said survey shall be paid by the county commissioners of Philadelphia county. Pay of surveyor.

SECTION 16. That the Fellowship hose company of the borough of Germantown, county of Philadelphia, be and is hereby authorized to change their corporate name, and shall henceforth be known and called by the name, style and title of "Fellowship fire engine company of the borough of Germantown," and by that name shall be able and capable in law to exercise all the rights, privileges and immunities guaranteed to them in their act of incorporation, approved the fifth day of February, A. D., one thousand eight hundred and forty nine, as they could have done by their former name if no change had been made. Fellowship hose company, name changed.

SECTION 17. That in order to simplify the costs of the clerk of the court of quarter sessions of the peace for the city and county of Philadelphia, in lieu of the various items now chargeable by law, he be allowed the sum of three dollars for services rendered by him on the trial of each true bill of indictment. Fees of the clerk of quarter sessions of Philadelphia city and county, relative to.

SECTION 18. That the election for the present managers of the Bustleton and Sommerton turnpike road company, held on the thirty-first day of December, one thousand eight hundred and forty-nine, be and the same is hereby declared to be valid and confirmed. Bustleton and Sommerton turnpike road company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 236.

AN ACT

Relative to the payment of interest on the loan made to the Danville and Pottsville railroad company, and the sale of the said railroad.

Preamble.

WHEREAS, By an act of assembly passed the eighth day of March, one thousand eight hundred and thirty four, the faith of the state was pledged for the payment of the interest at the rate of five per cent. per annum, for twenty-seven years, upon a loan of three hundred thousand dollars to the Danville and Pottsville railroad company; and the said railroad, with other property of the said company was mortgaged for the re-payment of the said loan; and the said company having constructed a portion of their road extending ten miles from the eastern terminus, and another portion twenty miles in length, extending from Sunbury into the Shamokin coal field, have permitted the former to go to ruin, and have practically abandoned all care of the latter portion; and the said company are insolvent, and there is no reasonable prospect that they will ever complete the said railroad, and relieve the state from the annual drain of fifteen thousand dollars from her treasury:

And whereas, The state has already paid the sum of two hundred and twenty-five thousand dollars, and will be called upon to pay the further sum of one hundred and eighty thousand dollars interest to the holders of the said loan, during the next twelve years; and the said railroad is yearly decreasing in value, and will in a year or two become useless for all purposes of transportation, and it is manifest that the holders of the said loan will realize a much greater sum towards the re-payment thereof by an immediate sale of the said railroad, and the state will be relieved from the payment of the interest on the sum thus realized by the sale thereof; therefore,

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor general be and he is hereby authorized and required to obtain forthwith, if possible, the assent in writing of the holders of the said loan made to the Danville and Pottsville railroad company, under the provisions of the act of the eighth day of March, one thousand eight hundred and thirty-four, to the sale of the said railroad and other property, under the provisions of an act of assembly passed the twenty-first day of April, one thousand eight hundred and forty-six, entitled "A supplement to an act to incorporate the Danville and Pottsville railroad company," and of an act of assembly passed the sixteenth day of March, one thousand eight hundred and forty-seven, supplementary to the last mentioned act; and if the holders of the said loan shall assent thereto, the net proceeds of such sale shall be distributed to and among them pro rata, and the mortgage given by the said company to secure the re-payment of the said loan shall thereupon be satisfied, and the lien thereof shall cease: *Provided,* That the said railroad, franchises and appurtenances shall not be sold for less than the sum of one hundred and thirty thousand dollars: *And provided,* That the faith of the state shall be and remain pledged for the annual payment of the interest on the balance of the said loan remaining unpaid, after deducting the net

Danville and
Pottsville rail-
road, relative to
sale of.

Distribution of
proceeds.

Proviso.

Proviso.

proceeds of the said sale at the rate of five per centum per annum, for the remainder of the period mentioned in the said act of the eighth of March, one thousand eight hundred and thirty-four; and so much of the said acts of the twenty first of April, one thousand eight hundred and forty-six, and the sixteenth day of March, one thousand eight hundred and forty-seven, as provides for the release of the state from the payment of the interest on the said loan, be and the same is hereby repealed: *And provided also*, That nothing contained in this act shall be held, taken or construed to interfere with or affect the title of Reuben Fagely, in and to certain lots of ground in the Borough of Sunbury, sold by the sheriff of Northumberland county, as the property of said railroad company, and purchased at said sheriff's sale by the said Reuben Fagely, nor shall any sale under the provisions of this act, or any of the acts herein referred to, be held to divest the title of the said Reuben Fagely, his heirs or assigns, in and to said lots.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. REST,

Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 297.

AN ACT

To authorize the canal commissioners to examine the claim of the Phoenix line of passenger car company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the canal commissioners be and they are hereby authorized and directed to examine the claim of the Phoenix line of passenger car company, for damages alleged to have been sustained by them in consequence of a collision on the Columbia railroad on the twentieth of December last, and if they shall ascertain that the damages, if any, were occasioned by any misconduct or carelessness on the part of any state officers or agents, report the amount of such damages to the legislature.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 238.

A SUPPLEMENT

To an act to appoint William Loughry, of Indiana county, committee of the person and estate of Peggy Lintner, a lunatic; and relative to writs of error.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That nothing contained in the first section of the act of the general assembly, entitled "An Act to increase the revenues and diminish the legislative expenses of the commonwealth," passed the sixteenth day of April, one thousand eight hundred and forty five, shall be deemed and taken to apply to the act to which this is a supplement; and the said act is hereby declared to be exempted from any enrolment tax whatever.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 239.

AN ACT

To incorporate the president and managers of the Petersburg and Shaver's Creek turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John M'Culloch, John R. Hunter, Joseph Forrest, Thomas Stewart, S. Miles Green, Thomas Wilson, Isaac Neff, Abraham Crisswell, William Moore, Henry Davis, William Reed, John Irvin, Joseph Reed and Samuel Myton be and they are hereby appointed commissioners to open books and receive subscriptions, and organize a company, by the name, style and title of "The Petersburg and Shaver's Creek turnpike road company;" with power to construct a turnpike road commencing at Petersburg, in the county of Huntingdon, by the road leading from Petersburg to Bellefonte, to a point on said road, (near the Green tree,)

Commissioners.

Style.

Location.

where the two roads diverge, one leading to Huntingdon and the other to Lewistown, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of four hundred and fifty shares, at fifty dollars each: *Provided*, That no greater number of shares shall be required than is necessary to make the said road.

Capital stock.

SECTION 3. That if the said company shall not commence the said road within six years, and complete the same within twelve years from the passage of this act, then it shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of the company.

Commencement and completion of road.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 240.

AN ACT

To amend an act supplementary to an act, entitled "An Act to incorporate the Danville and Pottsville railroad company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the proviso to the first section of an act, entitled "An Act supplementary to an act, entitled 'An Act to incorporate the Danville and Pottsville railroad company,' approved the eleventh day of April, one thousand eight hundred and forty-eight," be and the same is hereby amended so as to allow five years from the passage of this act, instead of the time limited in said section, for the completion of the said railroad with a single track, between its point of connection with the Mount Carbon railroad and the town of Sunbury: *Provided*, That the corporation constituted by the purchaser or purchasers of said railroad, his or their associates or assigns, be and they are hereby authorized at their option to substitute a connection with the Mill Creek railroad, or with the town of Port Carbon or the town of Pottsville, for that with the Mount Carbon railroad; and that the exemption conferred on the company in the second section of said act, and all the rights and privileges granted to said company in any previous act or acts of the legislature, be and the

Danville and Pottsville railroad, time for completion of, extended.

Proviso.

same are hereby granted and confirmed to the said company, as soon as the said railroad shall have been so far completed with a single track as to connect the towns of Sunbury and Pottsville, either directly or by means of a connection with any other railroad; and the said company are hereby authorized to sell and convey in fee simple such portion of the said road already graded, and other property of the company, as lies east of the point of such connection.

Toll.

SECTION 2. That the proviso to the third section of the said act, be and the same is hereby amended so as to read the average charges for toll and transportation, instead of the maximum charges.

Borrow money.

SECTION 3. That the corporation constituted by the purchaser or purchasers of the said railroad, or his or their associates and assigns, or the board of directors of the same, acting by its authority, be authorized to borrow such sums of money not exceeding in all five hundred thousand dollars, at any rate of interest not exceeding twelve per cent. per annum, which may be deemed expedient, and to make the principal of the said loan or loans convertible at the option of the holders, into stock of the company, on such terms as may be agreed upon; to make the interest and principal of the said loan or loans payable at such time or times as may be deemed advisable, and for the security of the said loan or loans, execute a deed of trust or mortgage on the railroad, and all other property of the company in possession, or to be acquired; and in its corporate rights and privileges in the event of a sale under such a deed of trust or mortgage, all of the property of the company conveyed in the said deed of trust or mortgage, and the corporate rights and privileges of the company, shall pass to the purchaser or purchasers free of all incumbrance on account of any lien or liability, subsequent to the execution of said deed of trust or mortgage and be vested in him or them.

Votes.

SECTION 4. That at all general meetings or elections by the stockholders of the corporation aforesaid, each share of stock shall entitle the holder to one vote.

Repeal.

SECTION 5. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 241.

AN ACT

To incorporate the Allentown water company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Bitz, Charles Seagraves, Jacob Miller, Thomas Weaver, Jesse Samuels, John Apple, Peter Troxal, Henry Reichard, or any three of them, are hereby appointed commissioners to do and perform all matters and things hereafter mentioned; that is to say, they or a majority of them shall procure a book or books and therein enter as follows: “We whose names are hereunto subscribed, do promise to pay to the president and managers of the Allentown water company, the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the said president and managers, in pursuance of an act of assembly, entitled ‘An Act to incorporate the Allentown water company,’ passed the day of Anno Domini, one thousand eight hundred and fifty. Witness our hands the day of Anno Domini, one thousand eight hundred and ;” and shall thereupon give notice in one or more of the public newspapers printed in Allentown, of the time and place or places when and where said book or books shall be opened to receive subscriptions for the stock of said company, at which time and place one or more of the said commissioners shall attend, and permit and suffer all persons or bodies corporate, including the commissioners of Lehigh county, and the burgess and town council of the borough of Allentown, in their corporate name, who shall offer to subscribe in said book or books, which shall be kept open for the purpose at least six hours in every juridical day for four days, if four days shall be necessary; and if at the expiration of the said time, three hundred shares shall not be subscribed on the said books, the said commissioners may adjourn from time to time, and from place to place until the said number of shares shall be subscribed, and then the books shall be closed: *Provided always,* That every person subscribing as aforesaid, in his own name, or in the name of any other person or body corporate, shall, at the time thereof, be required to pay to the attending commissioner or commissioners two dollars on each share, out of which the said commissioners shall defray the expenses attending the taking of such subscriptions, and other incidental charges; and the balance shall be paid over to the treasurer of the said company as soon as the same shall be organized, as hereinafter mentioned.

Commissioners.

Form of subscription.

Who may subscribe.

Proviso.

Letters patent.

SECTION 2. That when ten or more persons shall have subscribed not less than one hundred shares, the commissioners aforesaid may, or when the whole number of shares aforesaid are subscribed, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the amount paid on each share, to the governor of this commonwealth; and thereupon he shall, by letters patent under his hand and the great seal of the state, create and erect the subscribers, and also those who shall afterwards sub-

Style of corporation.	scribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of "The Allentown water company," by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation ; and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of this act, so that the whole number of shares shall not exceed three thousand five hundred, and of purchasing, taking and holding, to them and their successors and assigns, and of selling and transferring in fee simple, or for any less estate, such spring or springs, stream or streams of water, or any water power or powers near or convenient to said borough, or lands, tenements, hereditaments and estate, real and personal, or shall be sold, devised, granted or conveyed to them by deed, bequest or otherwise, and of suing and being sued, and doing every matter or thing which a corporation or body corporate and politic may lawfully do :
Privileges.	
Proviso.	<i>Provided</i> , That the yearly income of such real estate shall not exceed three thousand dollars.
Organization.	SECTION 3. That any three or more of the aforesaid commissioners shall, as soon as conveniently may be after the issuing of the letters patent aforesaid, give at least ten days' notice in one or more of the newspapers printed in Allentown, of a meeting of the stockholders, at a time and place certain therein mentioned, to hold an election for choosing by ballot five managers, who shall be stockholders, to conduct the affairs of the said company until the first Monday in May, Anno Domini, one thousand eight hundred and fifty-one ; and in all elections each stockholder shall be entitled to one vote for each share (bona fide held by him) not exceeding five, and for every five shares above the first five and not exceeding twenty, one vote ; and no stockholder shall be entitled to more than eight votes at any election ; and the said managers shall appoint one of their number president of the board, who shall sign all contracts and certificates of stock ; the president and managers shall have power to appoint a treasurer and such other officers and agents as may be necessary ; and the election for officers shall be held annually on the first Monday in May, at such place as may be appointed by the managers, of which at least ten days' notice shall be given as aforesaid, and when vacancies happen, the managers shall supply them from among the stockholders until the next annual election : <i>Provided</i> , That such managers, president, secretary and treasurer shall be residents of the borough of Allentown : <i>And provided further</i> , That no misnomer or failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice as the board of managers may prescribe.
Votes.	
Officers.	
Proviso.	
Proviso.	
By-laws, &c.	SECTION 4. That the president and managers, or a majority of them, shall have power to adopt such by-laws and regulations as they may deem expedient, and shall have power to call special meetings of the stockholders, whenever they may deem it necessary or advisable : <i>Provided</i> , That such by-laws, rules and regulations shall in no case contravene the constitution and laws of this commonwealth or of the United States.
Proviso.	
Certificates of stock.	SECTION 5. That the president and managers shall procure a common seal, and the certificates of stock and other official acts shall be authenticated by affixing the same ; and one certificate of stock signed by the president, countersigned by the secretary and sealed as aforesaid, shall be delivered unto each person for every share held by him or her,

as soon as two dollars shall be paid on each share subscribed by him or her, which certificate shall be transferable in person or by attorney duly authorized on the books of said company; subject, however, to payments due or to become due thereon; and thereupon the assignee of such share on such transfer being entered on the books of the company, shall be a member of the corporation as fully as if he or she had been an original subscriber. Transferable.

SECTION 6. That the president and managers shall meet at such times and places as shall be fixed by the by-laws, and when met three shall form a quorum, and in the absence of the president a chairman may be chosen of this number met, and all their transactions, as well as every matter or thing relating to the affairs of said company, shall be entered in a book or books to be kept for such purpose; and a quorum being formed they shall have full power to contract with and employ engineers, artists and such workmen as they may deem necessary to carry on and complete the works, as well as to uphold, alter or repair the same, and also fix the times and manner, and in what proportion the stockholders shall pay the money yet to pay on their respective shares; and to draw on the treasurer for all moneys that may be necessary and required to carry into full effect this act, or that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things, as by this act or their by-laws, rules and regulations they shall be authorized to do; and may also borrow money if necessary, on the credit and security of the corporation, so that the amount so borrowed do not exceed at any time four thousand dollars. President and managers.
Quorum.
Powers.

SECTION 7. It shall be the duty of the president and managers, as soon as may be, to proceed to bring and convey into the borough of Allentown, by means of steam or water power or any other way, through pipes, trunks, aqueducts or other means, some spring or springs, stream or streams of water, from the neighborhood of or within the bounds of said borough, the right of which shall have previously been vested in said company, and also provide cisterns or reservoirs for the reception thereof; and if they deem it expedient, may contract with the present holders of the property of the old Northampton water company for the property now held by them; and for the purpose aforesaid, they may enter into such lands or enclosures as may be necessary, and dig ditches, and lay pipes and trunks through the same, doing as little damage to private property as possible, and paying whatever injury may be done by them; and when the parties cannot agree, then according to an assessment to be made by three disinterested freeholders, to be appointed, on application, by the court of common pleas of Lehigh county, and who shall be duly sworn or affirmed justly and truly to make assessment of said damages; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair all their pipes, trunks or structures through private property, doing as little damage as possible; and shall also have liberty at all times, paying damages as aforesaid, to dig and lay pipes and trunks along roads, highways and the streets and alleys in the borough of Allentown, and to renew and repair the same, shutting up and amending any breaches which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs in the streets or public grounds of said borough, when the same may be deemed necessary, making compensation as aforesaid. President and managers, duties.

SECTION 8. That the president and managers shall, in such street or parts of the borough where pipes shall be required and laid, permit the said borough to erect hydrants to be used solely for extinguishing fire, Borough permitted to erect hydrants, &c.

Individuals to be supplied with water, &c.

paying a reasonable sum annually for such privilege; and the said company shall at all times, where trunks and pipes shall be laid in through any of the streets and alleys in said borough, suffer individuals to be supplied with water for domestic use, and such other uses as the president and managers may permit, for such reasonable compensation as shall from time to time be agreed on by the said president and managers and such individuals, according to such certain uniform rates as the said president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume:

Proviso.

Provided, That the owners of the freehold on and upon which said water is taken and used, shall in all cases be the parties with whom such contract for the use of water shall be made, and the said real estate shall be bound for and liable for the payment of the same, reserving to the company the right to contract with the lessees or tenants, on the responsibility of the said lessees or tenants, if they see fit or proper so to do; and any person or persons within the said borough who shall take any of said water for domestic or other uses, without having previously contracted for the same with the said president and managers, shall forfeit and pay for every such offence, any sum not exceeding the sum of fifty dollars, to the said president and managers for the use of the company, to be recovered before a justice of the peace by action of debt or assumpsit, in the same manner as debts of equal amount are now by law recoverable.

Remedy in case of unnecessary waste of water, &c.

SECTION 9. That if any person or persons, or body politic, who shall have contracted with the said company for the use of said water, shall wantonly and unnecessarily waste the same, to the injury of the said company, or shall permit any other person or persons not being by the said contract entitled to the use thereof to make use of the same, or shall neglect and fail to pay to the said company the amount of money by him, her or them agreed upon to be paid as a compensation for the use of said water, for the period of three months after the same shall be due and payable according to the terms of said contract, it shall be lawful for the president and managers to withhold and cut off such water from the premises of such individual, or body politic and corporate, until all such damages, with interest and costs of recovering the same, shall be paid: *Provided*, That nothing herein contained shall be so construed as to effect, impair or take away the right of the said company to sue for the recovery of the amount of such arrearages.

Forfeited stock.

SECTION 10. That the president and managers shall call in such part of the capital stock of the said company, (the shares being ten dollars each,) as shall remain unpaid, in instalments, as the same may be required, and if any stockholder or original subscriber shall neglect, after twenty days' notice, published in one or more of the newspapers printed in the borough of Allentown, to pay such instalment, payment may be enforced as in other cases by action of debt before a justice of the peace, or the president and managers may at their election declare said stock and moneys paid thereon, forfeited to the use of the said company; and whenever the debts of the said company shall be paid and the income exceed the expenses of the said company, the president and managers shall declare a dividend of such surplus on the stock paid in half yearly, on the first Mondays in January and July in each year, and shall publish the said dividend and the place where the same is payable, and shall cause the same to be paid accordingly.

Penalty for injuries, &c., to property of company

SECTION 11. That if any person or persons shall wilfully destroy or injure in any manner, the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works of the said company erected, or to be erected in pursuance of this act, or shall wilfully cor-

rupt or otherwise render unwholesome, or use without permission the stream of water which shall be conveyed or brought through the borough of Allentown by the said company, on being convicted thereof before any justice of the peace in and for the said county of Lehigh, by the oath or affirmation of one or more credible witnesses, shall pay a fine not exceeding twenty dollars; one-half to go to the poor of said county and the other half to the informer, and shall moreover remain liable for all damages to the company.

SECTION 12. That the said corporation shall not have power to issue any note or notes in the nature of bank notes, or to be endorsed on any note or notes on their corporate capacity, or to make discounts or receive deposits; and in case the said company shall at any time hereafter violate any of the provisions of this section, their charter and privileges shall become null and void.

SECTION 13. The county commissioners of the county of Lehigh, and the burgess and town council of the borough of Allentown, are hereby authorized and empowered to subscribe to the capital stock of said company, any such number of shares as they may deem right and proper, in which event the commissioners of said county, and the burgess and town council of said borough, shall have the right to vote at the elections of said company, under the same provisions as private individuals.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 242.

AN ACT

In relation to the districts of Richmond, Kensington and Penn, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That

the commissioners of Richmond, in the county of Philadelphia, and the commissioners of the district of Penn, in said county, are hereby authorized and directed to set apart and appropriate two mills of every dollar of the assessed value of the property taxed by the said commissioners, for the use of the said districts respectively, for the purpose of securing the payment of the interest on such sums of money as have been and shall be hereafter borrowed by the commissioners of the said districts, on the credit of and for the use of the said districts, and for

Relative to the pay of interest on sums of money borrowed by Richmond and the district of Penn, Philadelphia county.

no other purpose whatever; and the moneys so appropriated shall be kept as a separate fund, out of which the treasurers of the said districts shall semi-annually pay the interest due upon the said loans, or sums of money already made or borrowed upon the credit of and for the use of the said districts, as well as those that may hereafter be made or borrowed by the said commissioners in like manner; and the balances, if any, of such fund remaining unappropriated to the said purpose, shall form a sinking fund for the liquidation of matured bonds, and for no other purpose whatever: *Provided*, That the said moneys so appropriated and the said sinking fund, shall not be subject to attachment or other process issued upon any other debts or liabilities of the said district; and any act of assembly inconsistent with the provisions of this act, be and the same is hereby repealed.

Proviso.

Corporate title of the commissioners and inhabitants of Richmond, altered.

SECTION 2. That the present corporate title of the commissioners and inhabitants of Richmond, in the county of Philadelphia, be altered, and the same is hereby altered so as to read the commissioners and inhabitants of the district of Richmond, in the county of Philadelphia, in which name and by which title they shall possess all the powers and privileges in the same, and to the same extent that is conferred upon them by the first section of the act of incorporation, passed February twenty-seventh, one thousand eight hundred and forty-seven.

Division of Seventh and Eighth wards, Kensington.

SECTION 3. That the Seventh and Eighth wards, Kensington, shall hereafter be divided and separated by a line commencing at the Frankford road and the centre of Norris street; thence along the centre of said street to the centre of Second street; thence north along Second street to the middle of Diamond street; thence along the centre of said street westward to the Germantown road; and the south boundary line of the Third ward, Kensington, between Fifth and Sixth streets, shall hereafter extend to the centre of Thompson street.

Mud lane vacated.

SECTION 4. That a certain line called Mud lane, in the district of Kensington, in the county of Philadelphia, is hereby vacated from Second street to the Germantown road, and the right of soil to the middle thereof is hereby vested in fee simple, in the persons owning property fronting thereon, except such portions thereof as may form part of the site of streets laid down upon the plan of the district: *Provided*, That said lane shall not be closed to public use, except as Cherry street may from time to time be opened in its stead.

Repeal of first section of certain act.

SECTION 5. That the first section of an act, entitled "An Act relating to Charlotte, in the Kensington district of the Northern Liberties; and vacating part of Beach street, in the city of Philadelphia; and for the widening of Noble street, in the county of Philadelphia," passed the twentieth day of March, one thousand eight hundred and forty-nine, be and the same is hereby repealed.

Duke street to be widened.

SECTION 6. That Duke street from Ann street to Somerset street, be widened to the width of one hundred feet, by the addition of twenty-five feet in width, taken from ground on each side thereof, to be given by the owners thereof as aforesaid, who are hereby authorized so to do; and the same is hereby declared to be forever a market place, and it shall and may be lawful for the commissioners and inhabitants of Richmond district to erect, or cause to be erected a market house or market houses, and the said commissioners are hereby authorized to make such ordinances and regulations for the government of the same, as are not inconsistent with the act to which this is a further supplement.

Market place.

Seppiva estate, relative to sale of.

SECTION 7. That the trustees under the last will of Joseph Parker Norris, of the Seppiva estate and piece of marsh land on Gunner's creek, in the county of Philadelphia, and their successors in trust, shall have power and they are hereby authorized from time to time to sell

and convey in fee simple, such part or parts of the said premises of which they are or shall be trustees, and to sell or release any ground rents heretofore created, or which shall hereafter be created by them, as they may deem expedient, and appropriate the proceeds of such sales to the digging out, wharfing and filling up and levelling the wharves of Gunner's Creek canal, laid out through the said estate on the plans of the district of Richmond, to the width of one hundred feet; the purchaser or purchasers in no case to be responsible for the application of the purchase money: *Provided*, That a majority of all the persons having a vested interest therein at the time of such sale shall consent thereto, and that the said sale or sales be approved of by the court of common pleas for the city and county of Philadelphia.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 243.

AN ACT

To incorporate the borough of Leechburg, in the county of Armstrong; and relative to treasurer's sales.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the territory lying in the township of Allegheny, in the county of Armstrong, included within the following boundaries, to wit: beginning at a button wood on the Kiskiminetas river south eighty degrees east seventy perches north twenty degrees east sixty-five perches to a post corner of land of D. Leech; thence by same south sixty and a half degrees east one hundred and twelve perches to a post; thence south five degrees east seventy-nine perches to a black oak, (fallen,) on the bank of the river; thence down said river the several courses and distances of the same to the place of beginning, be and the same is hereby incorporated into a borough, to be called the borough of Leechburg.

Boundaries.

Name.

SECTION 2. The inhabitants of said borough qualified to vote for members of the general assembly, shall on the first Friday of May next, and on the first Friday of March in every year thereafter, meet at the school house in said borough, and then and there between the hours of one o'clock and six o'clock in the afternoon, elect by ballot one citizen who shall be styled the burgess of said borough, and four other citizens to be members of the town council; and at the first election three school directors, one to serve for one year, one for two years, and one for three

Annual election.

Burgess and town council, school directors, &c.

years; and thereafter one school director annually; and one person to be constable of said borough, whose name shall be returned to the next court of quarter sessions, for like purposes as in the election of township constables; the said inhabitants shall also at the said time and place elect two justices of the peace, one judge and two inspectors of elections, and assessors, agreeably to the laws of this commonwealth; the said elections shall be conducted in the same manner as is provided for the election of township officers of this commonwealth, except that the certificates of the election of burgess, town council and school director, shall be filed among the records of the corporation.

857b.

Privileges.

SECTION 3. That from and after the said first Friday of May next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate by the name, style and title of "The burgess and town council of the borough of Leechburg;" and shall have and possess and enjoy all the rights, liberties, franchises and privileges of a borough incorporated in pursuance of the act passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs;" and the several provisions of said act so far as the same are not inconsistent with this act, shall extend to and be in force within said borough, as fully as if the said borough had been incorporated agreeably to the provisions thereof.

Constable, duties of.

SECTION 4. The constable of said borough shall perform the duties of high constable therein until otherwise provided; but the burgess and town council may authorize the election or appointment of a high constable, if they deem it expedient.

School directors, duties of.

SECTION 5. The school directors elected under this act shall perform the same duties and possess the like powers in all respects, as school directors elected agreeably to the general laws of this commonwealth.

First election.

SECTION 6. The first election to be held under this act shall be held by a judge and two inspectors, to be chosen by the inhabitants of said borough present at the opening of the election by the constable of Allegheny township, who is hereby required to attend at the said school house, on the first Friday of May next, at one o'clock, for that purpose, and to give at least ten day's previous notice of said election.

Sales of lands by county treasurer, notice of to be given, &c.

SECTION 7. That before any sale of lands shall hereafter be made by any county treasurer in pursuance of the forty-first section of an act, entitled "An Act to reduce the state debt, and to incorporate the Pennsylvania railroad company," passed the twenty-ninth day of April, one thousand eight hundred and forty-four, he shall give the same notice of sale as is now required by law for the sale of unseated lands.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 244.

AN ACT

Authorizing the town council of the borough of Tamaqua to construct water works and to borrow money, and to divide said borough into three wards; and authorizing the borough of Middletown, in Dauphin county, to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town council of the borough of Tamaqua, in Schuylkill county, is hereby authorized, on the credit of said borough, to borrow any sums or sum not exceeding twenty thousand dollars, at a rate of interest not exceeding six per centum per annum, to be applied towards constructing water works for the purpose of supplying said borough with water under the direction of the council. Town council of the borough of Tamaqua, Schuylkill county, authorized to borrow money.

SECTION 2. For the purpose of paying the interest and principal of said debt, the said town council shall have authority (in addition to the water rents) to levy a special tax, equally, if they choose, or unequally, upon different portions of the town, according to the benefit conferred, if they see proper to do so; and the water rents accruing shall be applied entirely to the payment of the interest and principal of the debt contracted for the construction of said works, until the whole is paid. Object. Provision for the payment of interest and principal.

SECTION 3. And the said town council by their agents shall have power to enter upon any lands, public or private, and there do all things necessary in constructing said works through said land; and also, the power of re-entry at any time for the purpose of repairing said works: *Provided however,* That as little damage as possible be done to the property of the owner of said land: *And provided further,* That reasonable compensation be made to the owner of the land, for the damage done to his property by the said works; and if the parties cannot agree as to the amount, either party may apply to the court of common pleas of the county, upon which application the court shall appoint a jury of three or more disinterested citizens to assess the damages, and the amount so assessed shall be the amount paid. Enter upon lands. Proviso.

SECTION 4. The said town council may sue in the name of the borough of Tamaqua, in any cases arising in regard to said water works or rents, and shall possess all the remedies in law and equity which said borough as a corporation possesses in other cases, and shall be liable as said corporation is in law and equity liable in other cases. Remedies in law.

SECTION 5. That from and after the passage of this act, the borough of Tamaqua, in the county of Schuylkill, shall be and hereby is divided into three wards, as follows, to wit: That portion of the said borough east of the railroad of the Little Schuylkill navigation, railroad and coal company, to be called the East ward; that portion west of said railroad and north of Mauch Chunk street, to be called the North ward; that portion west of said railroad and south of Mauch Chunk street, to be called the South ward; hereafter said wards at all general, electoral, special and borough elections shall hold their elections in their respective wards; the South ward as heretofore at the school house; the North ward at the public house now occupied by Samuel Beard, and the East ward at the public house now occupied by Lewis Buehler. Division of said borough into three wards.

Election of justices of the peace, constable, &c. **SECTION 6.** The qualified electors in each ward shall, at the times and in the manner prescribed by law, elect one justice of the peace, one constable, one judge of elections and two inspectors of elections, but the assessor, assistant assessors, borough and other officers shall be elected by the qualified voters of the borough, as heretofore, without regard to locality or division into wards.

South ward elections. **SECTION 7.** The election officers of the aforesaid borough shall hold and conduct the first election to be held in the said South ward, under the provisions of this act; and Samuel Beard is hereby appointed judge, and Benjamin T. Hughes and John M. Washington inspectors, to hold and

North ward. conduct the first election in the said North ward; and Benjamin Heilner is hereby appointed judge, and Dietrich Schnackenberg and Nicholas Greissimer inspectors, to hold and conduct the first election in the said

East ward. East ward, at which times and places each ward aforesaid shall elect such officers as the law prescribes, then and there to be elected; and also, election officers, which election officers, so elected, shall hold their office till their successors are regularly elected at the proper time, in the year of our Lord, one thousand eight hundred and fifty-one, or thereafter; notice of such elections to be given, and the same to be conducted and the returns of such elections to be made according to the several provisions contained in the acts of assembly regulating such elections.

Town council of the borough of Middletown, Dauphin county, authorized to borrow money. **SECTION 8.** That the town council of the borough of Middletown, in the county of Dauphin, be and is hereby authorized to borrow an amount of money, for the purpose of improving the streets and alleys in said borough, not to exceed eight hundred dollars, to be paid by levying a tax on the citizens and property holders, in the same manner and on the same articles that are taxed for county and state purposes by the existing laws of this commonwealth, and to be paid in a term not to exceed four years.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 245.

AN ACT

Authorizing Robert Milligan, guardian of the minor children of James Graham, late of Allegheny county, deceased, to sell and convey certain real estate; and relating to the Vigilant fire company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Robert Milligan, of Wilkins township, Allegheny county, guardian of Robert Milligan, guardian of the minor children of Martha Graham, Elizabeth M. Graham, Eveline R. Graham and Margaret R. Graham, be and he is hereby authorized to sell and convey certain undivided real estate, being part in Northumberland, Schuylkill and Columbia counties; that the said guardian may sell and convey all the interest said minors have in either of the above counties, or all the interest in the above named three counties, if he in his judgment deems it best for said minors; the orphans' court of Allegheny county to require sufficient bail from said guardian for the faithful performance of the power herein vested in him, before the approval of said sale by the said court: *Provided*, That the said sale or sales shall be approved by said court before any deed or deeds shall be executed: *Provided further*, That the proceeds of said sale or sales shall be invested for the benefit of said minors by said guardian, under the direction and with the approval of said orphans' court: *And provided also*, That this act shall not in any manner prejudice or affect the legal title of any adverse claimant.

Proviso.

Proviso.

SECTION 2. That from and after the passage of this act the Vigilant fire company of the city of Philadelphia shall be authorized to erect upon their engine house in the said city a stationary alarm bell, with privilege to ring said alarm bell in time of fire; anything contained in the third section of the act of the seventh March, one thousand eight hundred and forty-eight, entitled "An Act for the better regulation of the fire department in the city and incorporated districts of the county of Philadelphia," to the contrary notwithstanding.

Certain powers granted to the Vigilant fire company of the city of Philadelphia.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 246.

AN ACT

To amend the act of assembly incorporating the Bucks County contributionship for insuring houses and other buildings from loss by fire, passed April second, Anno Domini, one thousand eight hundred and eleven; relative to the collection of taxes in the borough of Doylestown; and to the Byberry and Bensalem turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the twenty-third section of the act of assembly incorporating the said Bucks County contributionship be amended to read as follows: "Sec- relative to,

Bucks County contributionship.

tion twenty-third, That to prevent frauds and avoid inconvenience, no person or persons insuring their buildings in this office, shall receive benefit from the same, if such buildings are or shall be insured in any other office," (without the consent of the directors for the time being, and having said consent endorsed on said policy of insurance.)

Repeal.

SECTION 2. That so much of said act of incorporation as shall be supplied or rendered inconsistent with the provisions of this act, shall be and the same is hereby repealed.

Borough of Doylestown, relative to tax collector in.

SECTION 3. That the town council of the borough of Doylestown, in the county of Bucks, shall have full power and authority in all cases, to appoint any suitable taxable inhabitant collector of taxes in and for said borough; and that the chief burgess of said borough shall have power and authority to direct his precept as often as may be required, to such person as may be appointed collector, commanding him to collect all taxes assessed and levied in pursuance of the act to incorporate the borough of Doylestown.

Duties.

SECTION 4. It shall be the duty of the person so appointed collector of taxes, so soon as he receives the precept of the chief burgess, with the duplicate containing the assessment of taxes, to give public notice by printed handbills, that all persons so assessed and taxed are required to pay the same to the collector within ninety days from the date of the precept of the chief burgess; and all who fail to pay their taxes on or before the time specified, shall be charged at the rate of five per cent. additional on the taxes assessed, for failing to pay the same, with such other costs as may accrue in the collection thereof.

Removal of collector.

SECTION 5. The said town council of the borough of Doylestown may at any time remove any person so appointed collector, who may fail to comply with the requirements contained in the precept of the chief burgess, or refusing to comply with any resolution or direction of the town council relative to the collection and payment of the taxes to the borough treasurer.

Appointment of viewers for the Byberry and Bensalem turnpike road.

SECTION 6. That so soon as the president and managers of the Byberry and Bensalem turnpike road company shall have perfected the said road to the line between the counties of Philadelphia and Bucks, and also, when they shall have completed intermediate portions, and the remainder of said road, they shall give notice thereof to the governor of the commonwealth, who shall, thereupon, forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workman-like manner, according to the true intent and meaning of the act incorporating said turnpike road company, approved the tenth day of March, one thousand eight hundred and forty-eight; and if their report shall in either case be in the affirmative, then the governor shall, by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates upon and across said road as will be necessary and sufficient to collect the tolls and duties authorized to be collected by the said act of incorporation; and that so much of the tenth section of said act as is hereby altered or supplied, be and the same is hereby repealed.

License to take toll.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 247.

AN ACT

To authorize the school directors of the Eighth ward of the city of Pittsburg, to borrow money; and relative to a poor house in Greene county; a certain school district in Delaware county; and to the place of holding the election in West Brownsville, Washington county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the school directors of the Eighth ward of the city of Pittsburg be and they are hereby authorized to borrow such an amount of money, not exceeding five thousand dollars, as may be necessary to pay debts incurred in the purchase of ground and the erection of school houses thereon; and they are further authorized to secure the re-payment of any loan or loans contracted by virtue of this act, by a mortgage or mortgages on said real estate.

School directors of Eighth ward, Pittsburg, authorized to borrow money.

SECTION 2. That for the purpose of ascertaining the sense of the people of Greene county, as to the expediency of erecting a poor house, it shall be the duty of each of the inspectors of the several townships and boroughs, at the general election to be holden on the second Tuesday of October, in the year one thousand eight hundred and fifty, to receive tickets, either written or printed, from the qualified voters thereof, labelled on the outside, "poor house," and in the inside, "for a poor house," or "against a poor house;" and if it shall appear upon casting up the votes of the different districts at the court house, on the same day that returns are made out, that a majority of those who voted are "for a poor house," then the act, entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Greene," approved the tenth day of March, A. D., one thousand eight hundred and forty, is hereby revived in full force and effect; but if a majority of the votes are found to be "against a poor house," then the act referred to shall be and the same is hereby declared null and void.

Poor house, Greene county, election for or against.

SECTION 3. That the school district erected out of parts of the townships of Nether Providence and Chester, in the county of Delaware, by the act passed April the ninth, A. D., one thousand eight hundred and forty-nine, called "Crookville district," situate on the lands of William T. Crook, shall be bounded and limited as follows, to wit: on the north by the road leading from the Union Methodist church to Park Shee's paper mill; on the west by the lands of Park Shee and Jonathan Thomas; on the south by the lands of Jonathan Thomas, George Afflick, and lands known as the lands of Moses Culbert; and on the east by the lands of Mark Clegg, Rufus M. Ingram, Kirk Hollingsworth and J. Miller, and the road leading from Sneath's corner to the said Union Methodist church, the place of beginning.

Crookville school district, Delaware county, boundaries of.

SECTION 4. That the borough of West Brownsville, in the county of Washington, shall hereafter form a separate school and election district, and the qualified electors thereof shall hold their general, special and borough elections at the town hall in said borough; and the first election for borough and school officers for said borough, shall be held

West Brownsville borough, Washington county, erected into a separate school district.

on the first Tuesday of May, Anno Domini, one thousand eight hundred and fifty, and that James Moffit, junior, shall act as judge, John Pringle and James D. M'Reight, as inspectors of said election, who are hereby required to give ten days' notice of said election, in five or more hand-bills placed in the most public places in said borough.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 248.

AN ACT

Relating to the incorporated district of the Northern Liberties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the proviso to the twentieth section of the act of the sixteenth of March, one thousand eight hundred and nineteen, entitled "An Act to incorporate that part of the township of the Northern Liberties lying between the middle of Sixth street and the river Delaware, and between Vine street and Cohocksink creek," be and the same is hereby repealed; and from and after the passage of this act all streets, roads, lanes and alleys which have been heretofore laid out, opened and appropriated to public use within the incorporated district of the Northern Liberties by private persons, and communicating and running from and to other public highways, shall to all intents and purposes be held, deemed and taken to be highways as fully and completely, according to their extents, as if the same had been laid out by order of the court of quarter sessions of the county of Philadelphia, and as such shall be subject to and under the control of the commissioners of the said incorporated district of the Northern Liberties as other public streets within the said district.*

SECTION 2. *That the mayor of the incorporated district of the Northern Liberties in the county of Philadelphia, during his continuance in office, shall have full power and authority to receive and take the acknowledgments of all deeds, mortgages and other instruments of writing, as fully and effectually as the aldermen, justices of the peace and judges of the several courts of common pleas of this commonwealth now have or may hereafter have; and also full power and authority to administer oaths and affirmations in all cases, matters and things whatsoever, as aldermen and justices of the peace now have by virtue of their said offices, and if required, to use the seal of said corporation in attestation thereof.*

Repeal of the twentieth section of certain act.

Incorporated district of the Northern Liberties, relative to streets, &c., in.

Mayor of the incorporated district of the N. Liberties, powers of.

SECTION 3. That the said mayor shall have the same powers, authority and jurisdiction in all criminal matters, desertion cases under the poor laws, and fines and penalties, as the aldermen and justices of the peace within the county of Philadelphia now have or may hereafter have, any law to the contrary notwithstanding.

SECTION 4. That from and after the passage of this act, no beef, veal, mutton, lamb, pork, or other butchers' meat shall be sold, or offered or exposed for sale in any of the public highways of the incorporated district of the Northern Liberties, except by farmers vending the produce of their farms; and farmers bringing the produce of their farms into the said district for sale, shall dispose of the same from the wagon or vehicle wherein the same was brought into the said district, and in such streets only as now are or hereafter may be appropriated to that purpose; and no person whatever shall hereafter sell, or offer, or expose for sale any meat whatever, upon any part of any footway within the said district; and if any person or persons shall violate any of the provisions of this act, he, she or they so offending, shall forfeit and pay for every such offence the sum of five dollars, to be recovered with costs of suit before any alderman or justice of the peace, or before the mayor of the said district, as penalties of like amount are by law recoverable: *Provided*, That no person shall be deemed a farmer within the meaning of this act, whose usual occupation is the buying and selling cattle, sheep or hogs, and slaughtering the same on their farms and carrying or sending the meat thereof to market for sale, or offering or exposing the same for sale in any of the streets of said district: *And provided further*, That nothing herein shall be so construed as to modify or in anywise change the provisions of an act, entitled "An Act respecting the construction of certain acts of assembly relating to the High street market in the city of Philadelphia," passed March second, one thousand eight hundred and forty-four.

Further powers.
Penalty for selling, &c., beef, veal, mutton, &c., in said district.

Provido.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 249.

AN ACT

Authorizing the executors of the last will and testament of Aime Le Breton, late of Lancaster county, deceased, to sell certain real estate, and to invest the proceeds thereof; to authorize Jacob Nisely, executor of Christian Nisely, to pay certain moneys to the treasurer of East Donegal township, in said county; relative to the south line of Forest county; to erect a dam across the Susquehanna river, in Great Bend township, Susquehanna county; and to incorporate the North Lebanon railroad company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Catharine Le Breton, executrix, and Peter M'Conomy, executor of the last will and testament of Aime Le Breton, late of the borough of Elizabethtown, Lancaster county, deceased, be and they are hereby fully authorized and empowered to sell at public sale, all of the real estate of said Aime Le Breton, deceased, consisting of a two story brick dwelling house and lot or piece of ground thereunto belonging, with the appurtenances, situate, lying and being in the borough of Elizabethtown, Lancaster county, at present remaining unsold, and to execute a good and sufficient deed or deeds to the purchaser or purchasers thereof, for the same or any part thereof; and it shall be the duty of the said executors to put and place the money arising from the sale thereof at interest, and annually pay the interest, or so much of the principal thereof as may from time to time be needed for said purpose, towards the support and maintenance of the widow and Joseph Le Breton, the only son of the said Aime Le Breton, deceased, agreeably to the last will and testament of said deceased testator: *Provided however,* That before making such sale, the said executors shall give bond in such sum as shall be approved of by the orphans' court of Lancaster county, for the faithful appropriation, from time to time, of the proceeds of the sale of such real estate in the manner hereinbefore authorized and directed by the said last will and testament of Aime Le Breton, deceased, and that the said court shall first have authorized said sale.

SECTION 2. That Jacob Nisely, now of Cumberland county, surviving executor of Christian Nisely, late of Donegal township, Lancaster county, deceased, who was executor of the last will and testament of Henry Lutz, late of Donegal township, in said county of Lancaster, deceased, be and is hereby authorized to pay over to the treasurer of East Donegal township, in said county, the proceeds of the estate of the said Henry Lutz, deceased, being two hundred and six dollars and three and one-half cents, as per account filed in the register's office for said county, June tenth, one thousand eight hundred and twenty, with interest from date, at the rate of four and one-half per cent. per annum, who shall, with the approbation of the court of common pleas of the said county, invest the same in bonds, secured by mortgage on the real estate within said county, in trust for the support of the schools of said township, and shall apply the interest thereof, from time to time, as the same may be received, as may be directed by the school directors of said township.

Executors of
Aime Le Breton,
deceased, author-
ized to sell cer-
tain real estate.

Proviso.

Executor of
Christian Nisely
authorized to pay
over certain
moneys to the
treasurer of East
Donegal town-
ship, Lancaster
county, for the
use of the com-
mon school.

SECTION 3. That the north bank of the Clarion river, at high water Southern boundary, from where the west line of Elk county crosses said river, to the place where the east line of Clarion county crosses the said river, is hereby declared and made the south boundary of Forest county.

SECTION 4. That Elias T. Young, of the township of Great Bend, in the county of Susquehanna, his heirs and assigns, be and they are hereby authorized and empowered to construct and erect such dam or dams as he or they may deem advisable, in the Susquehanna, at the head of Buck's island ; (so called ;) and also, to raise the dam now in said river at said Young's mill, near Buck's island, one foot higher, with the exclusive right to the said Young, his heirs and assigns, of drawing off the water of said Susquehanna river at that place, and of constructing races, sluices, canals, waste rivers, &c., for milling purposes or otherwise, as he or they may deem necessary ; and of using, leasing or selling the right to use the same : *Provided*, That the said Young, his heirs and assigns, shall not in anywise impede or obstruct the navigation of the said river : *And provided also*, That he or they pay all damages to private property, caused by the erection or construction and maintenance of said dams, and all races, sluices, water-ways or waste rivers useful or appertaining to the said water powers thereby created : *Provided further*, That the said Young, his heirs or assigns, may sell, lease, mortgage or pledge the said improvements or privileges, or any part thereof, for the construction, improvement or benefit of the same or otherwise.

SECTION 5. That Samuel Maxwell, Charles B. Forney, Benjamin Money, Robert Kelton, Charles Richardson, William Gleim, George W. Hamersly, George Hoffman, John Weidman, John George, Jonathan S. Beckley, L. L. Lehman and Jacob Readell, and their associates, or any two of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The North Lebanon railroad company," with all the powers, and subject to all the provisions and restrictions prescribed by an act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.

SECTION 6. That the capital stock of said company shall consist of two thousand shares, of fifty dollars each : *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road, and to carry out the true intent and meaning of this act.

SECTION 7. That said company shall have the right to build and construct a railroad from a point at or near Coleman's furnace, in North Lebanon, Lebanon county, to a point on the Horse Shoe turnpike, in South Lebanon township, at or near the ore banks situated in said township, in as direct a route between the two said points as practicable.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 250.

AN ACT

To establish a public ferry across the Clarion river, at or near Armstrong's mills, in the counties of Jefferson and Forest; relative to the Lock Haven bridge company; to a dam on the Bald Eagle; to obstructions in certain rivers; and the Great Island bridge company.

Public ferry,
across Clarion
river, in the
counties of Jef-
ferson and For-
est, to establish.

Toll.

Proviso.

Remedy in case
of charging an
excess of toll.

Last proviso of
the ninth section
of certain act in-

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Armstrong, his heirs and assigns, shall have the right at his and their own proper costs, to make a good and convenient landing on the Clarion river, in the counties of Jefferson and Forest, at or near where the Brookville and Warren state road crosses said river; and the owner or occupyer of the said ferry, shall keep good and substantial boats and flats, and careful ferrymen, who shall constantly, as the occasion may require, attend for the purpose of transporting travelers and others across the said river, and on failure thereof, unless prevented by some unavoidable occurrence, he shall forfeit and pay a fine of five dollars, besides the actual damages sustained by any person who shall experience a detention, and shall sue for the same within ten days thereafter, before any justice of the peace in the said counties of Jefferson or Forest, the fine and damages to be paid to the person or persons thus detained and who sues for the same; and for services rendered shall receive from time to time the following rates of toll: for each footman three cents; for each person and horse ten cents; for each one-horse carriage fifteen cents; for each two-horse wagon or carriage eighteen cents; for each four-horse wagon or carriage twenty-five cents; for each additional horse six cents; for each horse without six cents; for each head of horn or neat cattle led or drove two cents; for each head of sheep or swine led or drove one cent; for each yoke of oxen ten cents: *Provided, That* nothing in this act contained shall be so construed as to give the said William Armstrong, or his legal representatives, the right to receive or discharge any travelers, carriages or other loading, on land belonging to other persons, without the consent of the owner or occupyer, except in or upon the public road aforesaid, so long as the same shall remain a public highway.

SECTION 2. That at any time when twenty or more citizens shall petition the court of quarter sessions in the county of Jefferson, or the county of Forest, setting forth that they have just reason to believe that the rates of ferryage are too high and ought to be reduced, it shall be the duty of the said court to lay the same before the grand jury of the said county, who are hereby authorized and required to hear the parties, and if in the opinion of them, or a majority of them, the rates are too high or low, they shall reduce or raise the same in such proportions as they may deem equitable and just: *Provided, That* the aforesaid ferry shall be subject to such rules and regulations as the courts of quarter sessions of said counties may direct.

SECTION 3. That the last proviso to the ninth section of an act to authorize the governor to incorporate the Lock Haven bridge company, approved the fourth day of March, one thousand eight hundred and

fifty, be and the same is hereby amended so as to read as follows: *And* incorporating the *provided further*, That the court of common pleas of the county of Lock Haven Clinton, shall on the application of any stockholder, or other person bridge company, interested, appoint three disinterested persons to be arbitrators, whose amended. duty it shall be to appoint a time and place for hearing the claims of Proviso. the owners of ferries or others, for injury done, or that may be done to private property in the erection and construction of said bridge; the said arbitrators shall give notice to the owners of the ferries, or others owning real estate where said bridge shall be, or may be proposed by said company to be erected, at least twenty days before the time fixed for said hearing, of the day and hour and place of meeting; and it shall be the duty of all persons notified as aforesaid, to appear before said arbitrators at the time and place fixed for the hearing aforesaid, and then and there submit all claims they may have for damages on account of the erection of said bridge; and the said arbitrators shall be sworn or affirmed, justly and equitably to try all matters in variance submitted to them by the said owners and the said bridge company; and having heard the parties, their proofs and allegations, they, or a majority of them, shall make out their award in writing, giving the said owners such sum, if any, as in their opinion may be just and proper for their damages as aforesaid; and the said award shall be entered of record in said court, as awards are now entered under the compulsory arbitration law; and shall be subject to appeal by either party within twenty days, as is allowed in other cases of awards, and the said appeal when so entered, shall be prosecuted in said court as if an original action had been brought therein; should any person notified as aforesaid, neglect or refuse to appear before said arbitrators, at the time and place fixed for hearing, the said arbitrators shall proceed to give judgment of nonsuit against such party, subject to appeal as aforesaid.

SECTION 4. That James Caldwell and Daniel Richards, of Clinton county, be and are hereby authorized to erect a dam not to exceed in height low water mark, over the Bald Eagle creek, near the mouth of Fishing creek, in the said county of Clinton, in such manner as shall do no damage to public property.

Jas. Caldwell, and Daniel Richards, authorized to erect a dam over the Bald Eagle creek.

SECTION 5. That the Pennsylvania coal company shall have power to hold such lands wherever situated, as may be requisite for wharves, basins, depots, stations or other necessary facilities for the accommodation of their business; and may issue not exceeding sixteen thousand shares of fifty dollars each, of additional capital of said company, and may dispose of the same as the directors may think proper: *Provided*, That said company shall pay to the state treasurer for the use of the commonwealth, one per centum on said increase of capital when such increase shall be made, in eight annual instalments.

Additional powers granted to the Pennsylvania coal company.

SECTION 6. That from and after the passage of this act, any person or persons who shall wilfully cast, throw, place, or cause to be cast, thrown or placed in the channel of the West Branch of the Susquehanna river within the county of Clearfield, or any of its navigable tributaries in said county, below high water mark, any slab or slabs, edgings, or other refuse pieces of lumber or floating materials of timber kind, and shall be convicted on indictment in the court of quarter sessions of said county of Clearfield, shall be sentenced to pay a fine of not less than five dollars nor more than one hundred dollars, at the discretion of the said court.

Penalty for obstructing the navigation on the West Branch in Clearfield county, &c.

SECTION 7. Any person or persons who shall wilfully cut and fall, or cause to be cut and felled into the said West Branch of the Susquehanna river in said county, or its navigable tributaries in said county of Clearfield as aforesaid, any tree or trees, sapling or saplings, or cast in

Further restrictions.

any tree top or tops, and leave the same remaining in the channel of the stream in said county of Clearfield as aforesaid, for a longer period than twenty-four hours, upon conviction in the court aforesaid, in the manner aforesaid, shall be fined in any sum not less than five nor more than one hundred dollars; and all fines recovered by this act shall be one-half for the supervisors of the roads, to be worked out on the roads of the proper township within where the offence is committed, and the other shall be paid to the informer: *Provided*, That nothing in this act shall extend to persons putting in lumber, timber or other floating material, for the purpose of running the same to market, or for other lawful purposes, and which is intended to be run or taken out in a reasonable time.

Great Bend Island bridge company, amendment of act of incorporation of.

SECTION 8. That the first section of an act, entitled "An Act to authorize the governor to incorporate the Great Island bridge company," approved the eleventh day of June, one thousand eight hundred and forty, be amended as follows: that Robert M'Cormick, George Crawford, John Fleming, Wm. Morrison, Robert Miller, Chapman Else, John Gallaher, George Crane, Thomas W. Lloyd, Wm. Morrison, James A. Crawford, James Innis and James Wilson, be and they are hereby appointed commissioners.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 251.

AN ACT

To correct a mistake in the amount of certain property assessed for state taxes in Juniata county.

WHEREAS, The board of revenue commissioners in their certified report of the seventeenth of March, one thousand eight hundred and forty-eight, have through mistake charged the county of Juniata with an amount of property subject to a tax of one per cent. on the dollar, of one hundred and seven thousand six hundred and forty-two dollars:

And whereas, The true amount of the above described property, according to the certified assessment of the commissioners of said county, is only twelve thousand six hundred and eighty-three dollars; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in the adjustment of the said taxes the sum of twelve thousand six hun-

dred and eighty-three dollars shall be taken and considered as the true amount of property subject to a tax of one per cent. on the dollar, assessed in the said county of Juniata.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 252.

AN ACT

To prevent the destruction of fish and game in certain counties; and relative to the destruction of foxes in Centre county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, it shall not be lawful for any person or persons to take any fish out of the Eastern reservoir near Hollidaysburg, in the county of Blair, or out of any of the branches of the Juniata river above and west of said reservoir and said borough of Hollidaysburg, by means of any seine, net, basket or gig, or by changing the channel of any of said branches, or in any other way except by angling.

Eastern reservoir near Hollidaysburg, to prevent fishing with seines, &c., in.

SECTION 2. That from and after the passage of this act, it shall not be lawful for any person or persons in the counties of Blair and Schuylkill to shoot or otherwise kill any pheasant, partridge or rabbit between the first days of February and September; nor any woodcock between the first day of January and the fourth day of July, in any year.

Time for shooting or killing pheasants, partridges, rabbits and woodcock, in the counties of Blair and Schuylkill, regulated.

SECTION 3. Any person or persons offending against the provisions of either of the foregoing sections of this act, shall forfeit and pay the sum or fine of five dollars for every such offence, with all costs and charges, which may be recovered before any justice of the peace for said counties of Blair and Schuylkill, as debts of a similar amount are by law recoverable; the one-half of the fine to the use of the informer, who is hereby made a competent witness, and the other half to the directors of the poor of said county for the use of the said poor.

Penalty for violation of preceding sections.

SECTION 4. That the provisions of an act relative to the bounty on fox scalps in the counties of Dauphin, Westmoreland, Chester, Monroe and Lehigh, approved March fifteenth, eighteen hundred and forty-eight, be and they are hereby extended to the county of Centre: *Provided,* That the sum of seventy-five cents shall be paid for each and every scalp, in the manner provided in said act.

Provisions of certain act relative to fox scalps extended to Centre

SECTION 5. That it shall not be lawful for any person or persons to catch fish in the Ohio river or any of its tributaries with hoop or set nets during the months of April, May, June, July, August and September; and all persons offending against the provisions of this section, shall be subject to the penalties provided for by the second section of an act to prevent the destruction of fish in the Allegheny, Monongahela and Ohio rivers, and for other purposes, passed the twelfth day of February, one thousand eight hundred and forty-two.

Justices of the peace, Clarion county, certain powers granted to.

SECTION 6. That the justices of the peace of the county of Clarion, be and are hereby authorized to grant rules for the taking of depositions of witnesses in causes tried before them, conformable to the rules and practice of the court of common pleas of said county.

Borough of Clarion, relative to high constable, &c.

SECTION 7. That the high constable of the borough of Clarion, county of Clarion, be and is hereby authorized to perform the duties of the office of constable of said borough during the absence of said constable or his inability to perform the duties of his office.

Correction of the word "third" in certain act.

SECTION 8. That where the word "third" occurs in the act, entitled "A supplement to an act, entitled 'An Act relative to the organization of the courts of justice,' passed tenth of April, eighteen hundred and forty-nine," approved the fourth day of March, one thousand eight hundred and fifty, it shall be read "fourth," so that "third Monday of April next" in said act shall be read and have effect as if it were "fourth Monday of April next."

Red Bank and Mahoning creeks, repeal of fourteenth section of certain act concerning.

SECTION 9. That so much of the fourteenth section of the act, entitled "An Act to authorize Thomas Gardner, Benjamin J. Miller and Isaac Coates, trustees, to sell and convey certain real estate, and for other purposes," approved the twenty-third day of June, A. D., one thousand eight hundred and forty-two, as extends to Redbank and Mahoning creeks, be and the same is hereby repealed.

Provisions of certain act relating to hunting of elk and deer, extended to Venango county.

SECTION 10. That the provisions of the act, entitled "An Act relating to the hunting of elk or deer in Huntingdon, Carbon, Luzerne, Dauphin, Mifflin or Elk," passed the twenty-fourth day of March, one thousand eight hundred and forty-eight, be and they are hereby extended to the county of Venango.

Penalty for destroying fish in any of the streams in Susquehanna county

SECTION 11. That from and after the passage of this act, it shall not be lawful for any person or persons to take or destroy any fish in any lake, stream or creek in the county of Susquehanna by means of, or by the use of lime or any other noxious substance; and any person or persons offending herein, shall be held and deemed guilty of a misdemeanor, and upon conviction thereof in the court of quarter sessions of said county, shall pay a fine of not less than twenty nor more than one hundred dollars, one-half for the use of the county, and one-half for the use of the township wherein such offences shall be committed; and it is hereby made the duty of the supervisors of the several townships of said county to prosecute all offences which may come to their knowledge, against the provisions of this section of this act, in their respective townships.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 253.

AN ACT

To legitimate John R. Johnston, of Sacramento city, California, and Charles Bennett, of the county of Luzerne, in the state of Pennsylvania; also, Samuel Lee, California Lee and Lurany Lee, of Armstrong county; to change the name of Jacob Lindecoogel, of Lehigh county; to extend the time for the completion of the Danville railroad; to declare the East Fork of Sinnemahoning creek a public highway; relative to the estate of David Bacon, deceased; and correcting an error in a certain act of assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John R. Johnston, now resident at Sacramento city, California, son of John R. Johnston, of Allegheny city, in the county of Allegheny, and of Hannah Boyer, formerly of Armstrong county, shall enjoy and possess all the rights and privileges of a child born in lawful wedlock.

SECTION 2. That Charles Bennett, of the county of Luzerne, son of John Bennett, of the same county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

SECTION 3. That Samuel Lee, California Lee and Lurany Lee, children of H. N. Lee, of Armstrong county, shall have and enjoy all the rights and privileges of children born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if they had been born in lawful wedlock.

SECTION 4. That Jacob Lindecoogel, of the county of Lehigh, be and he is hereby authorized to change his name from Jacob Lindecoogel to Jacob Lind, and he shall henceforth be called and known by the name of Jacob Lind; and by that name shall be able and capable in law to sue and be sued, grant and receive, and do all other legal acts as effectually, to all intents and purposes, as he could have done by his former name if no change had been made therein.

SECTION 5. That the time for the commencement and completion of the Danville railroad, incorporated by the act of the sixteenth day of April, one thousand eight hundred and forty, be and is hereby extended for another period of five years, and after the time now allowed for the commencement and completion thereof.

SECTION 6. That the East Fork Sinnemahoning creek, from the mouth thereof to the mouth of Jamison branch of said East Fork, in Potter county, be and the same is hereby declared a public highway: *Provided,* That nothing herein contained shall be construed to authorize any interference with the mill privileges of Benjamin Bunnell; and that the channel north of the island above the mill of said Bunnell, be declared a public highway.

SECTION 7. That Joseph Bacon, Charles W. Bacon, and Edmund P. Bacon, trustees named in the last will and testament of David Bacon, deceased, are hereby authorized and empowered to accept a conveyance of all or any of the lots or pieces of ground therein mentioned, and again to let the same on ground rent by indenture, and in the usual manner and form that lots in the county of Philadelphia are let, with the conveyance, &c.

nants for building and payments of rent, to such person or persons as shall be desirous of taking the same: *Provided*, That such letting shall be subject to at least as great a yearly rent as the one originally reserved, and that they shall hold the same subject to the same trusts.

Correction of the word "securing" in certain act relating to the estate of John Wood, deceased.

SECTION 8. That the word securing, where it occurs in the second section of the act of assembly, approved on the twenty-fifth day of February, one thousand eight hundred and fifty, entitled "An Act relative to the estate of John Wood, deceased; and relative to the estate of Casper Coxen, deceased," shall be and is hereby changed to the word receiving; and the said section shall be construed as if the alteration herein designated had been made in the said section before the same was passed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 254.

AN ACT

To incorporate the president and managers of the Clarion, Tylersburg and Tionesta turnpike road company; and relative to the collection of road taxes in Antes and Woodberry townships, Blair county; and to a state road in Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* J. B. Loomis, William Alexander, Daniel Walters, John Fogelbacher, James Hilands, esquire, John Walters, Robert P. Hilands, Andrew Fleming and Jacob Shriber be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The Clarion, Tylersburg and Tionesta turnpike road company;" with power to construct a turnpike road from the borough of Clarion, in the county of Clarion, by the most practicable route to Tylersburg, in said county, and thence to the village of Tionesta, in Venango county, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, except those hereinafter mentioned.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

Grades.

SECTION 2. The capital stock of said company shall consist of two thousand shares of twenty-five dollars each.

SECTION 3. That the president and managers may so construct and grade the road, that the same shall in no place rise or fall in an angle of more than five degrees from a horizontal line.

SECTION 4. That where the said president and managers deem it practicable, they may construct their road of plank, subject to the said road of plank. act passed the twenty-sixth of January, Anno Domini, one thousand eight hundred and forty-nine.

SECTION 5. That if said company shall not commence the construction of this road within three years, and complete the same within ten years from the passage of this act, then this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

SECTION 6. That from and after the passage of this act, the supervisors of the townships of Antes and Woodberry, in the county of Blair, are hereby authorized and required to collect the road taxes assessed and levied in said townships in money; and they are hereby authorized to receive sealed proposals for the construction and repair of the public roads and highways in said townships, and let the same to the lowest and best bidder, after having first given not less than ten days' public notice of such letting, by written or printed handbills, put up in at least six public places in the township. Supervisors of Antes and Woodberry townships, Blair county, required to collect road taxes in money.

SECTION 7. That Kimber Cleaver and G. D. Boyer, of the county of Schuylkill, and John P. Leibrich of the county of Dauphin, are hereby appointed commissioners, who, or a majority of whom, shall, first being duly sworn or affirmed to discharge the duties herein enjoined with fidelity and impartiality, proceed to view, examine the ground, and lay out and distinctly mark upon the best ground, and to the best public advantage, a state road from the town of Donaldson, in the county of Schuylkill, through Bear Valley to the town of Lykens, in the county of Dauphin, and make out two reports and drafts of said road, and deposit one in the office of the clerk of the court of quarter sessions of each of the counties aforesaid; the said commissioners, together with one surveyor, shall each receive two dollars for each day necessarily employed in discharging the said duties; they may employ two chain bearers and one axeman, who shall each receive one dollar per day, which said expenses shall be paid by the county commissioners of the counties aforesaid, in proportion to the length of the road in each county respectively. Kimber Cleaver, J. D. Boyer and John P. Leibrich, appointed to lay out a certain state road. Location.

SECTION 8. That the said road shall be opened and constructed at the expense of the individuals and companies owning lands through, or contiguous or adjacent to which the said road shall be laid out: *Provided*, That no such individual or company shall be compelled to pay or contribute for that purpose, any other or greater sum than such road taxes as are or may be assessed upon their lands or property aforesaid; but all road taxes now due, or which may hereafter be assessed upon such lands or property thereon by the supervisors of the respective townships in which such lands lie, shall, together with such other sums as may for that purpose be advanced by the said individuals or companies, which said sums so advanced shall be credited on account of road taxes which may be thereafter assessed upon such lands, be appropriated by the supervisors of the respective townships to the opening and construction of said road, and to no other purpose, until said road shall be in good order for traveling with carriages and vehicles. Reports and drafts. Pay of.

SECTION 9. That the said road shall be opened and constructed at the expense of the individuals and companies owning lands through, or contiguous or adjacent to which the said road shall be laid out: *Provided*, That no such individual or company shall be compelled to pay or contribute for that purpose, any other or greater sum than such road taxes as are or may be assessed upon their lands or property aforesaid; but all road taxes now due, or which may hereafter be assessed upon such lands or property thereon by the supervisors of the respective townships in which such lands lie, shall, together with such other sums as may for that purpose be advanced by the said individuals or companies, which said sums so advanced shall be credited on account of road taxes which may be thereafter assessed upon such lands, be appropriated by the supervisors of the respective townships to the opening and construction of said road, and to no other purpose, until said road shall be in good order for traveling with carriages and vehicles. Expenses of opening and constructing said road, by whom to be borne.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 255.

AN ACT

To incorporate the president and managers of the York and Gettysburg plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. Robert Smith, George Swope, John B. M'Pherson, Alexander R. Stevenson, George W. M'Clellan, John L. 'Fate, James A. Thompson, Joel B. Danmer, Moses M'Clean, William D. Himes, Michael Hoffman, colonel John J. Kuhn, Andrew Heinzelman, Thomas C. Hamblly, Philip Smyser, George Hay, C. A. Morris, S. Small and William M'Sherry, be and they, or any three of them are hereby appointed commissioners to open books to receive subscriptions and organize a

Style. company by the name, style and title of "The York and Gettysburg plank road company," with power to construct a plank road commencing at Gettysburg, in Adams county, and thence by the most practicable route to the borough of York, in the county of York, or to such point on the Baltimore and Susquehanna railroad, or on the Hanover branch thereof, as the stockholders or directors may determine upon,

Location. subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and of the supplement thereto, passed the seventh day of April, one thousand eight hundred and forty-nine.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of two thousand five hundred shares, at twenty-five dollars per share : *Provided,* That said company may from time to time by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, and to carry out the true intent and meaning of this act.

Capital stock.

SECTION 3. That if said company shall not commence the construction of said road in three years, and complete the same within six years from the passage of this act, then this act shall be null and void, except so far as the same may be necessary to wind up and settle the affairs and pay the debts of the company.

Commencement and completion of road.

SECTION 4. *And be it further enacted,* That the company hereby created is authorized to purchase, and the York and Gettysburg turnpike company are hereby authorized to sell to the former, the bed of their road, with all the franchise thereto belonging, to be used and occupied by the said York and Gettysburg plank road, for the purposes of their road : *Provided,* That two-thirds in value of the stockholders of each company shall first have consented thereto, either in writing or at a general meeting of the stockholders of each, to be called for that purpose, on notice given in the manner prescribed in other cases ; but such notice shall set forth the special objects of meeting.

Said company authorized to purchase the bed of the York and Gettysburg turnpike road, &c.

SECTION 5. *And be it further enacted,* That the price at which such sale shall be made, shall be distributed to and amongst the stockholders of the said York and Gettysburg turnpike company, in the proportion of the stock by each of them respectively owned and held, and

Further provisions.

certificates of stock in the York and Gettysburg plank road company shall be issued of each of the stockholders in the said turnpike company, for the amount of their share in the price aforesaid: *Provided*, That in case of stockholders of said turnpike company who shall not have given their assent in writing as above, or who shall not have been present at said meeting, the amount of their quota of the price of said turnpike shall be paid to them on demand, at any time within three years after such sale shall have been made as aforesaid; and in such case the stock in the said plank road company, allotted to such persons, shall revert to the said company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 256.

AN ACT

To incorporate the Odd Fellows hall association of Milton, Northumberland county; and relative to the sale of certain church property in said borough.

WHEREAS, Certain citizens of this commonwealth hereinafter named, have associated together for the purpose of erecting an Odd Fellows hall in the borough of Milton, Northumberland county, and have with certain moneys raised by issuing certificates of stock and certificates of loan, purchased a lot or piece of ground situate on the west side of Front street, in said borough of Milton, and erected on the same a large three story brick hall, for the accommodation of the Order of Odd Fellows and the citizens of the borough generally; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That David L. Irland, James Buoy, Samuel Blair, John M. Huff, John V. Goodlander, George Baker, Aaron W. Comly, Robert M. Frick, Israel Kepler, Isaiah B. Davis, Paul Masteller, A. W. Rhawn, Joseph Angstadt, and their successors, and all persons who are now or may be hereafter associated with them, be and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style and title of "The Odd Fellows hall association of the borough of Milton," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity and elsewhere; and shall be able and capable in law and equity, to take and hold to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the use of the

Preamble.

Corporators.

Style.

Privileges.

said association; and also to take and hold for the use of the said association, any goods and chattels, sum or sums of money, by gift, grant, bargain and sale, will, devise or bequest, *for* any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, sell or lease for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of five thousand dollars: *And provided also*, That the certificates of stock and certificates of loan already issued for the purposes hereinbefore mentioned, shall be assumed by the said the Odd Fellows hall association of the borough of Milton, who shall pay the interest now due, or that may hereafter become due on the same, and redeem the same whenever they shall respectively become due and payable; the liability of the said association for the payment of the said interest, and the redemption of the said certificates, to be the same as if they had been issued by the said association in virtue of law: *And provided also*, That from and immediately after the passage of this act, the title to the said lot or piece of ground, and the hall and other buildings thereon erected, shall be vested in the Odd Fellows hall association of the borough of Milton, as fully, to all intents and purposes, as the same is held by the persons hereinbefore mentioned.

SECTION 2. The stockholders shall meet annually on the last Saturday in December in each year, and choose by ballot five trustees, who shall serve until their successors are elected; a majority of the whole number of votes polled shall constitute a choice, and in the event of a failure to elect any of the said trustees at any regular election, or in case there shall be a vacancy or vacancies in the board of trustees, growing out of any cause whatever, such action shall be taken as the said association shall by its by-laws provide. At the first meeting of the trustees after their election in each year, they shall elect from their body a president, secretary and treasurer, and such other officers as the business of the corporation may require: *Provided*, That the trustees and officers now managing the affairs of the said Odd Fellows hall association shall continue as trustees and officers of the corporation hereby created, till the regular election shall be held as before provided.

SECTION 3. That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew as they may think proper; and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

SECTION 4. The government of the said association, and the management and disposition of its affairs, and the property, shall be vested in the said board of trustees.

SECTION 5. The corporation shall have power and authority to make by-laws conformable to this charter, and not inconsistent with the laws of the United States or of this commonwealth.

SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said the Odd Fellows hall association of the borough of Milton, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall done to the corporators.

SECTION 7. That Thomas Strine, trustee of the Evangelical Lutheran congregation of the borough of Milton, Northumberland county, be and he is hereby authorized and empowered to sell, either at public

Proviso.

Proviso.

Annual meeting of stockholders.

Trustees.

Vacancies.

Election of officers.

Seal.

Board of trustees.

By-laws.

Reservation.

Thomas Strine, trustee of the Evangelical Lu-

or private sale, and to convey in fee simple, and to make and execute therean church of to the purchaser or purchasers thereof, a good and sufficient conveyance Milton, author- and assurance in law, of all the right, title and interest of the said Evan- ized to sell cer- gelical Lutheran congregation, in the house of worship called the Har- tain real estate. mony church, situate in the borough aforesaid, and owned jointly by the Evangelical Lutheran congregation aforesaid, and the German Re- formed congregation; and the proceeds of the sale shall be for the use of the said Evangelical Lutheran congregation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 257.

AN ACT

To incorporate the Odd Fellows hall association of Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That J. Ulsh, John Lenhart, J. R. Shuler, John Reifsnyder, Michael B. Corporators. Halman, Peter Oliphant, Henry Weirick, Samuel Huggens, John R. Shuman, Oliver E. Fortney, Jacob P. Bogar, B. F. Miller, Jesse Coffman and Jacob Meck, and their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style and title of "The Odd Fellows hall association of Style. Perry county," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in any court of law Privileges. or equity or elsewhere; and shall be able and capable in law and in equity, to take and hold, to them and their successors, either by grant, gift, devise, lease or otherwise, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also, to take and hold, for the use of the said association, any goods and chattles, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest or otherwise, from any person or persons whatsoever, capable of making the same; and the same at their pleasure to grant, bargain and sell, for the use of said association, and generally to do all and singular the matters and things which shall be lawful for them to do, for the well-being and due management of the affairs of said association: *Provided,* That the real estate of which the said corpora- Proviso. tion shall be at any time possessed, shall not exceed the clear yearly value of two thousand dollars.

Object. SECTION 2. That the object of the said corporation shall be to provide, erect and furnish a hall and suitable buildings, in the borough of Liverpool, and county of Perry, for the accommodation of the members of Perry Lodge of Odd Fellows, and other lodges that may be established in said borough, to hold their meetings in.

Seal. SECTION 3. That it shall and may be lawful for said corporation to have a common seal, and the same at will and pleasure to change, alter and renew as they shall think proper; and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

Trustees. SECTION 4. That the government of the said Odd Fellows hall association, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such times and in such manner as the said association shall by its by-laws provide; the officers of the association shall be a president, secretary and treasurer, who shall be elected at the annual meetings by the stockholders, except the secretary, who shall be elected by the board of trustees at the annual meetings; all the officers shall be trustees.

Officers. SECTION 5. The corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the constitution and laws of this commonwealth or of the United States.

By-laws. SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said Odd Fellows hall association of the borough of Liverpool, Perry county, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

Reservation. J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 258.

SUPPLEMENT

To an act, entitled "An Act authorizing the governor to incorporate the Brooklyn and Lenox turnpike road company," passed the eighth day of March, one thousand eight hundred and forty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Brooklyn and Lenox turnpike road company be and they are hereby authorized and empowered to extend and continue their road from Thayre's mills, on the Hopbottom creek, in the township of Brooklyn,*

and county of Susquehanna, to the borough of Montrose, in said county, following up the said Hopbottom creek, by the most eligible route that may be determined by the said company; and for the purpose of enabling the said company to carry out the provisions of this act, the capital stock of said company may be increased in such manner as is provided by the act to which this is a supplement.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 259.

AN ACT

To incorporate the First Congregational Methodist church of the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the First Congregational Methodist church of the city and county of Philadelphia, be and they are hereby authorized and empowered to hold, purchase and enjoy lands and tenements in the city and county of Philadelphia, for purposes of public worship and for burial purposes and uses, and to grant and convey the whole, or any part of the lands and tenements held by them, to any purchaser or purchasers thereof in fee simple, or for any less estate, free of or subject to the said uses and purposes, as may be deemed right and proper: Provided, The lands held by said church in their corporate capacity, shall at no time exceed three acres.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 260.

AN ACT

To incorporate the village of Adamstown, in the county of Lancaster, into a borough; and relative to certain election and certain election districts in the counties of Adams, Beaver, Bedford, Dauphin, Mercer, Lehigh, Montgomery and Washington.

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the territory lying in the townships of East Cocalico and Brecknock, in the county of Lancaster, included within the following boundaries: Beginning at the north-east corner thereof, at Adams' spring, at or near the Berks county line; thence north fifty-nine degrees and a half west ninety-five perches and five-tenths to Ruth's spring, near the road leading to Fritztown; thence south fifty-five degrees and a half west one hundred and ninety-two perches to the Good spring; thence south fifty-one degrees and three-quarters west one hundred and fifty seven perches to stone, a corner of Jacob Hest's land; thence on a line between said Jacob Hest and Henry Regar south fifty-four degrees east one hundred and thirteen perches to a willow tree on the east bank of Muddy creek; thence along the east side of Regar's hill north sixty degrees and one-quarter west three hundred and twenty perches to a stone in Gehman's line; thence north four degrees and three-quarters west sixty-five perches and two-tenths to the place of beginning, is hereby erected into a borough, to be called "The borough of Adamstown."

Style.

Provision of certain act extended to said borough.

SECTION 2. The provisions of the act of general assembly, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs," are hereby extended to the borough of Adamstown, except so far as the same may be inconsistent with the other provisions of this act.

Erected into a separate election district.

SECTION 3. That said borough shall form a separate election district, and the qualified voters therein shall hereafter hold their general and borough elections at the school house in said borough.

Election of constable and township officers.

SECTION 4. The inhabitants of said borough qualified to vote for members of the general assembly, shall, on the day which now is or may hereafter be fixed by law for the election of constable and other township officers within this commonwealth, meet at the said school house, in said borough, and then and there between the hours of one and seven o'clock, P. M., elect by ballot one of the citizens, who shall be styled the burgess of said borough, and four other citizens to be styled the town council, one street commissioner and one justice of the peace, judge and inspectors of elections, assessors, and at the first election, three school directors, one to serve one, one for two, and one for three years, and thereafter annually one school director and one person to be constable of said borough; the said elections shall be held and conducted in the same manner as is provided for the election of township officers of this commonwealth, except that the certificates of the election of burgess, town council and school directors, shall be filed among the

records of the corporation: *Provided*, That the first election to be held under this act *shall be held under this act*, shall be held by a judge and inspectors, to be chosen by the inhabitants present at the opening of the election by the constable of East Cocalico township, who is hereby required to attend at the said school house on the third Friday of March next, at one o'clock, for that purpose, and to give at least ten days' previous notice of said election.

SECTION 5. That hereafter the qualified voters of the borough of Allentown, in the county of Lehigh, shall hold their general elections in their respective wards where the spring elections are held; the North ward at the public house now or lately occupied by William Derr, in said ward, and the South ward at the public house now or lately occupied by John Klechner, in said ward.

SECTION 6. That from and after the passage of this act, the elections for the township of Pymatuning, in the county of Mercer, shall be held at the office now occupied by George Hawn, Esq., in the borough of Clarksville.

SECTION 7. From and after the passage of this act, the qualified voters of North Strabane township, Washington county, shall hold their general and township elections at the house of Henry Lyon, in said township.

SECTION 8. That hereafter the general and township elections in the township of Butler, in the county of Adams, shall be held at the public house now occupied by William Eichholtz, in the village of Middleton, in said township.

SECTION 9. That the qualified electors of Raccoon township, Beaver county, shall hereafter hold their general and township elections at the house of David Ewing, in said township.

SECTION 10. That the qualified voters of the township of Air, in the county of Bedford, shall hereafter hold their general, special and township elections at the public school house near the dwelling house of William Sloan, in said township.

SECTION 11. That the name of the township of Aughwick, in the county of Bedford, be changed to Wells, and it is hereby changed accordingly; and the qualified voters thereof shall hereafter hold their general, special and township elections at the school house near the Methodist church in said township.

SECTION 12. The qualified voters of the township of Bethel, in the county of Bedford, shall hereafter hold their general, special and township elections at the public school house near the dwelling house of John Daniels, in said township.

SECTION 13. That the qualified voters of the township of Tod, in the county of Bedford, shall hereafter hold their general, special and township elections at the house of Samuel Naugle, in said township.

SECTION 14. That the election of township officers in the township of Air, Aughwick, Bethel and Tod, in the county of Bedford, held on the fifteenth day of March, one thousand eight hundred and fifty, be and the same is hereby made good and valid, to all intents and purposes, as it would have been had the officers holding said election been appointed, and the places for holding the same had been fixed by law; and the several officers elected in said townships shall be duly commissioned and qualified accordingly.

SECTION 15. That the provisions of an act, entitled "An Act relative to voting in the counties of Adams, Dauphin, York, Lancaster, Franklin, Cumberland, Bradford, Centre, Greene and Erie," approved the twenty-seventh day of February, A. D., one thousand eight hundred and thirty-nine, be and the same are hereby extended to the county of

Allentown borough, place of holding elections in, changed.

Pymatuning township, Mercer county.

North Strabane township, Washington county.

Butler township, Adams county.

Raccoon township, Beaver county.

Air township, Bedford county.

Aughwick township, Bedford county.

Bethel township, Bedford county.

Tod township, Bedford county.

Air, Aughwick, Bethel and Tod townships, elections made valid.

Provisions of certain act extended to Bedford county.

Bedford, so far as relates to general, special and borough or township elections.

Conewago town-
ship, Dauphin
county, erected.

SECTION 16. That from and after the passage of this act, all that part of the township of Derry and Londonderry, in the county of Dauphin, lying within the following boundaries, to wit: Beginning at Conewago creek, the line of the counties of Dauphin and Lancaster, at the place where Brill's run empties into said creek, and from thence by a straight line running parallel with the line dividing the counties of Dauphin and Lebanon, to a point that by running a straight line from said point at a right angle with the aforesaid parallel said straight line, will intersect the line of the counties of Dauphin and Lebanon at a point not more than one half of a mile north of the Menonist meeting house at or near said county line; and from thence along the line of the counties of Dauphin and Lebanon to the line of the county of Lancaster; and from thence down said line to the place of beginning, shall hereafter form a separate election district and township, and shall be called Conewago; and the qualified electors thereof shall hold their elections at the house of Christian Foltz, in said township, and that Samuel Hoffer, esquire, shall be the judge, and Joseph Clark and Samuel Shelly the inspectors, to hold the first elections under this act; and said inspectors shall appoint clerks for said elections, as is provided for by existing laws.

Parts of the
townships of
Londonderry
and Lower
Swatara, Dau-
phin county,
erected into a
separate election
district, to be
called Ports-
mouth district.

SECTION 17. That from and after the passage of this act, all that part of the townships of Londonderry and Lower Swatara, in the county of Dauphin, lying within the following boundaries, to wit: Beginning at the turnpike road leading from Elizabethtown to Middletown, at the place where the road north of and near to the late residence of George Kaylor, Esq., crosses said turnpike; from thence along said turnpike to the line of the borough of Middletown; thence along the western line or lines of said borough to the Harrisburg and Middletown turnpike road; thence along said turnpike to the southern line of the lands lately owned by Gen. Joseph Heister, deceased; thence along said line to the Susquehanna; thence by the course of said line to the western shore of the said river; thence down said western shore to the line of the county of Lancaster; thence along said line to the eastern shore of said Susquehanna river; thence up said eastern shore to the mouth of the run emptying into the Susquehanna river at or near the house known as the Buck tavern; and from thence by a straight line to the place of beginning, shall hereafter form a separate election district, to be called the Portsmouth district, and the qualified electors of said district shall hold their general, special and electoral elections at the brick school house in Pine street, in the borough of Middletown; and that John Walborn shall be the judge, and David Mumma, junior, and Martin Kendig shall be the inspectors to hold the first elections under this act; said inspectors shall appoint clerks for said elections as provided for by existing laws.

Punxsutawney
borough, place of
holding elections
in, changed.

SECTION 18. That the qualified electors of the borough of Punxsutawney, Jefferson county, shall hold their elections for borough officers for the year one thousand eight hundred and fifty, on the first Saturday in May next; and the time for holding their borough elections shall be on the first Monday in May in each year thereafter; any part of the act of incorporation inconsistent herewith is hereby repealed.

Upper Macungie
township, Lehigh
county, relative
to constables.

SECTION 19. That so much of the fifth section of the act the twenty-eighth of March, one thousand eight hundred and twenty, as prevents a person from serving as constable for more than two years in any term of three years, and so much of any other law or laws of this commonwealth as limits the eligibility of the same person to the office of constable to any certain number of years, be and the same is hereby

repealed, so far as they relate to the township of Upper Macungie, in the county of Lehigh.

SECTION 20. That hereafter the general elections of the township of Pottsgrove town-
Pottsgrove, in the county of Montgomery, will be held at the public ship, Montgom-
house now kept by Jacob Bussert, in said township. ery county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 261.

AN ACT

Authorizing the Beech Woods academy to transfer their estate to the University of Northern Pennsylvania; for the erection of a high school in the borough of Easton; and to authorize the directors of common schools in Schuylkill Haven, to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the trustees of the Beech Woods academy be and they are hereby authorized to sell and transfer all and singular their real and personal estate to the trustees of the University of Northern Pennsylvania, to be held by the said the trustees of the University of Northern Pennsylvania, for the uses and purposes mentioned in their act of incorporation: *Provided*, That the trustees of the University of Northern Pennsylvania shall be authorized to issue stock to the present stockholders of the Beech Woods academy, to an amount equal and in lieu of the stock now held by said stockholders of said Beech Woods academy.

Trustees of the Beech Woods academy authorized to sell and convey real and personal estate.

SECTION 2. That the second section of the second article of the act incorporating the said the University of Northern Pennsylvania, be so amended that seven trustees shall constitute a quorum.

University of Northern Pennsylvania, act of incorporation of, amended.

SECTION 3. That no informality in the proceedings of the trustees by reason of their not meeting at the times and places designated in the said act of incorporation of the University of Northern Pennsylvania, or by reason of a quorum of eleven trustees not being present at such meetings, shall affect the validity of the charter or the validity of the acts done by the said trustees; but the same are hereby declared as valid and binding as if a quorum of said trustees had met at the times and places designated by the said act of incorporation.

Certain acts validated.

SECTION 4. That the school directors of the district composed of the borough of Easton, be and they hereby are authorized to establish, under such regulations as they may deem advisable, one high school in said

High school in the borough of Easton to establish.

district, for the complete education of such pupils of the public schools of said district as may possess the requisite qualifications; and the moneys expended in the establishment and support of said high school, shall be paid out of the treasury of the common school fund of said district.

SCHOOL DIRECTORS OF THE BOROUGH OF SCHUYLKILL HAVEN AUTHORIZED TO BORROW MONEY.

SECTION 5. That the directors of common schools of the borough of Schuylkill Haven, in the county of Schuylkill, for the time being, or their successors in office, be and they are hereby authorized and empowered to borrow any sum or sums of money not exceeding in the whole four thousand dollars, at any rate of interest not exceeding six per cent. per annum, for the purpose of erecting one or more suitable school houses for the common schools in said borough; and it shall and may be lawful for the board of school directors of said borough, to secure the money so borrowed by bond or mortgages of said directors upon the real estate belonging to the common schools in said borough, or otherwise, as said directors may direct.

INCREASE TAXES.

SECTION 6. That the said board of school directors and their successors in office, are hereby authorized and empowered to lay an increased tax each and every year, as long as it may be necessary, over and above the limit of taxation for school purposes fixed by the present or any subsequent law, so as to raise the sum of three hundred dollars, to be specially pledged for the payment of the interest on said loan, and to provide a sinking fund for its eventual liquidation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 262.

AN ACT

To authorize the sale of certain real estate held by Elizabeth Kershner; and to incorporate the Ohio and Pennsylvania plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

ELIZABETH KERSHNER, DANIEL SHROCK AND GEORGE F. RICH, AUTHORIZED TO SELL CERTAIN REAL ESTATE.

Elizabeth Kershner, Daniel Shrock and George F. Rich be and they hereby authorized to sell and convey in fee simple, clear of all trusts to the purchaser, the one-half of a certain lot in the village of Bernsville, in the county of Berks, bounded and described as follows, to wit: sixty feet in breadth and two hundred and sixty feet in depth, adjoining Francis Steller, Main street, Abraham Andress and a sixteen foot alley,

and that they be and they are hereby authorized to execute a mortgage on the other half of said lot, for the balance of the purchase money owing to the vender by the said Elizabeth Kershner, upon her purchase of the said lot, made about April the first, one thousand eight hundred and forty-eight: *Provided*, That before the said sale shall be deemed to be valid, the same shall have been approved by the orphans' court of said county, and the said Elizabeth Kershner, Daniel Shrook and George F. Rich shall have given bond with sufficient security, to be approved by said court, conditioned for the faithful application of the proceeds of said sale. Proviso.

SECTION 2. That John Hull, esquire, Thomas Cunningham, esquire, Thomas Dungan, esquire, J. Vaughan, doctor A. P. Dutcher, J. Adams, J. Ferre and Thomas Courtney, or any five of them, be and they are hereby appointed commissioners to open the books, receive subscriptions and organize a company, by the name, style and title of "The Ohio and Pennsylvania plank road company;" to locate and construct a plank road from a point at or near the village of Enon Valley, in the county of Lawrence, to a point on the Ohio and Pennsylvania state line, at or near the village of Petersburg, in Mahoning county, in the state of Ohio, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with this and the following sections. Commissioners.
Style.
Location.
Subject to provisions of certain

SECTION 3. That the capital stock of said company shall consist of five hundred shares, of twenty-five dollars per share: *Provided*, That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act. Capital stock.

SECTION 4. That if the said company shall not commence the construction of said road within five years from the passage of this act, and complete the same within ten years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company, and pay the debts of the same. Commencement and completion of road.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 263.

AN ACT

Authorizing the sale of the real estate of George Kemmerly and Patrick Ervine, late of York county, deceased; and to the sale of certain real estate in Lebanon county; authorizing John Armstrong, trustee of Margaret White, to sell certain real estate; empowering the register of Perry county to take probate of the will of Rebecca M. Patterson; relative to the York water company; and to the real estate of John Smull, deceased; to authorize the executors of Jacob Mayland to let a certain lot on ground rent; relative to the real estate of Robert M'Donald, late of Allegheny county, deceased; and to authorize the executors of John Wilson, deceased, of Clarion county, to sell certain real estate.

Preamble.

WHEREAS, George Kemmerly, late of York county, deceased, by his last will and testament, devised his farm to his wife Catharine during her life, and directed the same to be sold after her death, and the proceeds of the sale to be equally divided among his legatees:

And whereas, Said farm has become unproductive and insufficient for the support of said Catharine, and is deteriorating and becoming of less value, and it is the interest and desire of said Catharine and of all the parties interested that the same should be sold; and the executor of said George Kemmerly, deceased, is now dead; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Administrator of
George Kemmerly,
deceased, authorized to sell
certain real estate.

the person to whom the register of York county shall grant letters of administration with the will annexed of said George Kemmerly, deceased, shall be and is hereby authorized to sell and dispose of said farm, being a tract of land situate in Windsor township, in said county, adjoining lands of John Landes' heirs, of John Barshinger, deceased, Valentine Gable and others, containing about forty acres, either at public or private sale, and convey the same to the purchaser or purchasers thereof in fee simple, and to invest the proceeds thereof at six percent., and pay the interest thereon to said Catharine Kemmerly during her life, and after her death to pay the principal to the persons entitled to the same, under the will of said George Kemmerly, deceased: *Provided*, That before the said sale shall be deemed to be valid, the same shall have been approved by the orphans' court of said county, and the said administrator shall have given bond with sufficient security to be approved by said court, conditioned for the faithful application of the proceeds of said sale.

Proviso.

Anthony S. Ely,
authorized to sell
certain real estate.

SECTION 2. That Anthony S. Ely, of the borough of Lebanon, be and he is hereby authorized, with the assent of Samuel Doneberger, to sell either at private or public sale, the interest of the children of Rebecca Donneberger, deceased, in certain real estate situate in North Lebanon township, Lebanon county, and to execute, acknowledge and deliver a good and sufficient deed or deeds therefor to the purchaser or purchasers in fee simple, altogether discharged from any obligation on the part of the said purchaser or purchasers to see the application of the purchase money; that before the said Anthony S. Ely shall execute any such deed or deeds, he shall give security in the court of common pleas of Lebanon county, to be approved by the said court, conditioned that he will faithfully comply with the requirements of this act, and

faithfully distribute the proceeds of said sale; and that the said court shall have first authorized and approved of the sale of said land.

WHEREAS, Patrick Irvine, of York township, in the county of York, died during the minority of his son Daniel, who was incapable of managing the property left for his benefit, and it appearing that the property, the income of which was designed for his support and maintenance, has not been controlled or managed in such manner as to secure the true intention of the testator; and as the said Daniel, who is blind, does not receive the means which the said property is abundantly able to produce for his support, and inasmuch as the will does not authorize the sale or disposition of said property to fulfill the clear design of the said Patrick Irvine, to wit: the proper support and comfort of his son Daniel, who is now forty-two years of age, and is in a suffering condition and totally helpless, the said property being worth seven thousand dollars, would, if sold, furnish ample means to comply with the object of the testator; therefore,

SECTION 3. *Be it enacted by the authority aforesaid,* That on the application of Daniel Irvine, or any other person or persons interested in the estate of Patrick Irvine, late of York county, deceased, the orphans' court of said county shall make an order appointing a trustee to make sale of the real estate of said decedent, and to invest the proceeds thereof under the direction of said court, so that the interest thereof shall secure to the said Daniel Irvine that support for and during his natural life, which the will of the said decedent intended him to have and receive out of the produce of said real estate: *Provided,* That such sale when made shall be approved of by the said court, after which a deed shall be made conveying to the purchaser or purchasers such estate as the said Patrick Irvine had and held in the premises at and immediately before the time of his decease: *Provided also,* That before receiving any of the proceeds of the sale, said trustee shall give such security as the said orphans' court may require, conditioned for the faithful execution of said trust: *And provided further,* That any person or persons interested may appeal to the supreme court from any order or orders, decree or decrees, that the said orphans' court may make; said appeal to be taken within thirty days from the making of such order or decree: *And provided further,* That the annual interest only of said principal sum arising from the sale of the real estate aforesaid, shall be paid to the said Daniel Irvine, or his trustee; and that the principal sum aforesaid shall be and remain permanently invested, subject to all the provisions of the will of the said Patrick Irvine, deceased.

SECTION 4. That John Armstrong, the trustee of Margaret White, formerly of Hamilton township, county of Franklin, be and hereby is authorized to sell a certain tract or parcel of land, and its appurtenances, situate in said township, and described in a deed of conveyance from George E. White, to said John Armstrong, recorded in record book, volume sixteen, page three hundred and forty, in the office for the recording of deeds of the said county, and a good and valid deed for the said tract of land to make and execute.

SECTION 5. The said John Armstrong is hereby authorized to invest the money arising from the sale of the said tract or parcel of land, together with other moneys of the sole and separate estate of said Margaret, in real estate lying within the state of Pennsylvania; which real estate when thus purchased, shall be held by the said John Armstrong in trust for the sole and separate use of the said Margaret, in manner and form, and subject to the same provisions and limitations as are preserved and settled in the deed aforesaid: *Provided,* That the court of

Preamble.

Trustee of Patrick Irvine, authorized to sell certain real estate.

Proviso.

Trustee of Margaret White, authorized to sell certain real estate.

Authorized to invest the money, &c.

common pleas of said county shall have first authorized and approved of said sale, and the investment of the proceeds thereof.

Register of wills of Perry county, authorized to take proof of a certain will, &c.

SECTION 6. The register of wills of Perry county is hereby authorized to take proof of a certain instrument purporting to be a will, in the hand writing of Rebecca M. Patterson, deceased, and if the hand writing of said Rebecca be proven by two or more disinterested witnesses, then and that case the said instrument shall have the force and effect of a will executed under the act of eleventh April, one thousand eight hundred and forty-eight, in the same manner as if all the provisions of said act had been fully complied with.

York water company, relative to certificates of.

SECTION 7. That so much of the fifth section of the act authorizing the governor to incorporate the York water company, approved the eighth day of February, one thousand eight hundred and sixteen, as requires the president and managers of said company to deliver one certificate for every share of stock, and as relates to the transfer of such certificates, be and the same is hereby repealed; and that the stock of said company shall be transferable on the books of the corporation only, in the presence of the president or secretary, and in such manner as the by-laws shall direct.

John C. Bucher, guardian of the minor children of John Smull, deceased, authorized to sell certain real estate.

SECTION 8. That John C. Bucher, guardian of John A. Smull, William Smull and Anna H. Smull, minor children of John Smull, late of Harrisburg, in the county of Dauphin, deceased, be and he is hereby authorized and empowered to sell by public or private sale, in such manner and for such price or prices as his judgment may approve, all the right, title, interest and estate of the said minors, in any lands, tenements and hereditaments lying and being in the counties of Schuylkill, Northumberland, Monroe and Pike, and to execute such deeds or instruments of writing as may be necessary for the conveying and assuring of the same to the purchaser or purchasers: *Provided*, That before the execution and delivery of any deed or deeds, the said guardian shall make report of sale to the orphans' court of Dauphin county, and upon the said guardian giving bond in such sum, and with such surety or sureties as the orphans' court shall direct, conditioned for the proper application of the purchase money, the said court, if fully satisfied of the propriety of said sale, shall forthwith endorse an order of absolute confirmation of the same.

Executors of Jacob Mayland authorized to let a certain lot on ground rent, &c.

SECTION 9. That it shall be lawful for the executors acting under the will of Jacob Mayland, late of the city of Philadelphia, to let on ground rent in fee, a certain lot on the north side of Mulberry street, in said city, thirty-three feet four inches west of Schuylkill Seventh street, and make title therefor to the purchaser by deed in usual form, with a proviso of redemption any time after the decease of the said testator's daughter, Elizabeth Campbell; the said ground rent to be reserved or the money to be paid for the extinguishment thereof, to be held in trust for the same uses and purposes as the said lot was and is devised upon by the said will.

Nancy M. M'Donald, authorized to sell certain real estate.

SECTION 10. That Nancy M'Donald, widow of Robert M'Donald, late of Elizabeth township, county of Allegheny, deceased, be and she is hereby authorized to make public or private sale of the real estate of said decedent, situated in Elizabeth township, and invest the proceeds of the sale of said real estate in such other estate as she may deem better suited to the circumstances of the children of said decedent; the title to such property as may be so acquired to be subject to the same interests, positive, relative and conditional, as the several parties now hold and are entitled to hold, in the estate devised by said Robert in and by his last will and testament: *Provided*, The said Nancy in the mean time enter into such bonds for the faithful discharge of her duties in the

premises, as may be required by the orphans' court of said county : *And provided further*, That before any deed is executed and delivered, the said Nancy McDonald shall make report of sale to the orphans' court of said county; and upon said court being satisfied that such sale is for the benefit of said children, shall forthwith endorse an order of absolute confirmation of the sale.

SECTION 11. That Samuel Wilson and David Wilson, senior, executors of the last will and testament of John Wilson, late of Clarion township, in the county of Clarion, deceased, be and they are hereby authorized to sell at public or private sale, and convey by deed or deeds in fee simple, all that certain tract of land late the property of the said John Wilson, situate in Clarion township, in the county of Clarion, adjoining lands of Andrew Owens, Jonathan Firman and others, containing one hundred and thirty-eight acres, or thereabouts, with the appurtenances, and to apply the net proceeds of such sale agreeably to the true intent and meaning of the last will and testament of said deceased : *Provided*, That the said executors shall first give a bond to the orphans' court of the county of Clarion, with sufficient sureties, conditioned for the faithful application of the proceeds of said sale.

Executors of
John Wilson,
deceased, author-
ized to sell cer-
tain real estate.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 264.

AN ACT

Authorizing the laying out of state road from Schuylkill township, in Schuylkill county, to Roaring Creek township, in Columbia county; relative to the Lebanon Valley railroad company; and to President township, in Venango county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Benneville Fetherolf, of the county of Schuylkill, and Amzi Brown, esquire, and Daniel Yeager, of the county of Columbia, be and they are hereby appointed commissioners to view and lay out a state road, Commissioners. commencing on the state road leading from Pottsville to Mauch Chunk, at the junction of Broad and Walnut streets, in the town of Tuscarora, in Schuylkill township, Schuylkill county, and terminating at the junction of the Numidia, Slabtown and Catawissa Forge roads, at or near the house of Emanuel Kerns, in Roaring Creek township, Columbia county. Location.

- Duties.** SECTION 2. It shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and to lay out the same on the nearest and best ground to a straight line, and in no place to exceed an elevation of five degrees, except at crossing ravines and streams, where by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit.
- To make out drafts.** SECTION 3. That it shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, respectively noting thereon the courses and distances as they occur, the improvements, and also the crossings of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth on or before the first day of September next, and one copy in the offices of the clerks of the courts of the respective counties in which the said road may be laid out, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.
- Drafts to be filed.**
- Mark route.** SECTION 4. That it shall be the duty of said commissioners plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such a manner as to enable the supervisors readily to find the same.
- Pay of commissioners.** SECTION 5. That the said commissioners, respectively, shall receive a per diem allowance not exceeding one dollar and fifty cents each for each day necessarily expended in the discharge of the duties enjoined by this act; and the said commissioners shall have power to employ a surveyor to assist them in the discharge of their duties, who shall be allowed the sum of two dollars and fifty cents for each day necessarily employed according to the provisions of this act.
- Surveyor, pay of.**
- Accounts.** SECTION 6. That the accounts of the said commissioners for their own pay and the pay of their surveyor, shall be made out and returned to the commissioners of such counties in which said road may be located, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way.
- Commissioners to meet on third Monday of May.** SECTION 7. That the said commissioners shall meet on or before the third Monday in May next, or as soon thereafter as practicable, and complete the view of said road, and such other duties as are enjoined upon them by this act.
- Lebanon Valley railroad, company additional power granted to.** SECTION 8. That the Lebanon Valley railroad company be and they are hereby authorized to construct their railroad, without regard to the intermediate points (except Lebanon,) mentioned in the act incorporating said company; and the time limited in the same for commencing said road, be and the same is hereby extended for five years, and for completing the same ten years from the passage of this act: *Provided*, That within six months after the completion of said railroad, and semi-annually thereafter, the proper officers or agents of the said Lebanon Valley railroad company, shall make out under oath or affirmation, and transmit to the auditor general, a statement exhibiting the amount of tonnage of whatsoever kind or description, and the number of passengers that may have passed over the entire length of said road, between Harrisburg and the point of intersection of the Reading railroad, or the city of Reading, during the preceding six months; and they shall also
- Time for commencing, extended.**
- Proviso.**

at the same time pay into the treasury of the commonwealth, a tax or duty on all tonnage of whatsoever kind or description, except the ordinary baggage of passengers, that may have passed over the entire length of said road, between the aforesaid points during the last preceding six months, at the rate of twenty-five cents per ton; and also pay into the treasury aforesaid at the same time, a tax or duty on all passengers that may have passed over said road between the points aforesaid, during the last preceding six months, at the rate of twenty cents for each passenger; and the legislature hereby reserves the right to adopt such additional means to secure a faithful compliance with the conditions of this proviso, as may hereafter be deemed necessary and right: *And provided further,* That the sixth section of said act be and the same **Repeal.** is hereby repealed.

SECTION 9. That that part of townships in Venango county, included within the following boundaries, to wit: beginning on the Allegheny river in Cranberry township, at the north-west corner of a tract of land surveyed in the name of Henry Wingert; thence by the western boundary thereof to the south-west corner of the same; thence by the northern and western boundaries of a tract surveyed on warrant in the name of Joseph Shippen, to the south-west corner of the same; thence by the southern boundary of the same to the north-west corner of tract, number two thousand six hundred and ninety-four; thence to the south-west corner of the same; thence eastwardly on the southern boundary of the same, and southern boundary of tracts, numbers two thousand six hundred and ninety-six, two thousand six hundred and eighty, and two thousand six hundred and ninety-seven, to the south-east corner of the same; thence northwardly on the eastern boundary of the same, and the eastern boundary of tract, number two thousand eight hundred and thirty-nine, to Tionesta township, and the eastern boundary of tract, number two thousand eight hundred and thirty-six, and so on the same course northwardly to the Allegheny river; thence down said river to the south-east corner of a tract warranted in the name of Jacob Lewis; thence by the eastern boundary thereof to the north-east corner of the same; thence to the south-east corner of tract, number two hundred and fifteen; thence by the eastern boundary of the same to the north-east corner thereof; thence by the northern boundary of the same and the northern boundary of tracts, numbers one hundred and sixty-eight, one hundred and sixty-seven, and one hundred and twenty, to the north-west corner of the latter; thence north to the south-west corner thereof to Pit Hole creek; thence down the centre of said creek to the Allegheny river; and thence to the place of beginning, shall hereafter form a new township, to be called **President**, for all township and election purposes; and the place of holding the general and township elections shall be at the school house near **President furnace.**

Boundaries.

President township, Venango county, erected.

SECTION 10. That the first election for township officers in the new township of President, Venango county, shall be held on the first Friday of May next, and that Alexander Holman and Patrick Culberson, are hereby appointed inspectors, and R. P. Elliott, judge, for to hold said township election, with power, and it shall be their duty, to swear one another, and two clerks, which they or a majority of them shall select, and hold the said first election in accordance to law; and the township elections thereafter shall be held on the second Friday of February in each and every year.

Place of holding elections.

Officers.

SECTION 11. That on the application of ten or more of the citizens of President township, to the court of quarter sessions of Venango county, it shall be the duty of said court to appoint three citizens, one of which shall be a surveyor, who shall proceed to run and mark out

Draft of said township to be filed, &c.

the boundary lines of President township, and file a draft of the same in the prothonotary's office in Venango county; and the expenses of the same shall be paid by the township of President.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 265.

AN ACT

For the sale of certain school houses in Lebanon and Lancaster counties; to authorize the school directors of Bethel township, in Lebanon county, to borrow money; Thomas H. Leinbauch and Gotlieb Kintzell to sell real estate; and the commissioners of Philadelphia county to borrow money; relative to the Bank of Germantown; and to authorize Leah Gillespie to sell certain real estate; to elect an additional school comptroller in the ninth section of the first school district of Pennsylvania; relative to certain school districts in Perry and Cambria counties; to the borough election in Montourville, Lycoming county; and to a certain road or street in Meadville, Crawford county.

Preamble.

WHEREAS, On the thirteenth day of July, Anno Domini, one thousand seven hundred and sixty-nine, Philip Boyer, Christian Blough, John Ulrey Huber and Dewalt Light made a declaration in trust under their hands and seals, that they held a certain lot or piece of land situate in the township of Lebanon, county of Lancaster, (now township of North Annville, county of Lebanon,) then bounded by lands of John Ulrey Huber and Michael Fernsler, and containing one acre and two perches, to and for the only use and benefit of a school:

And whereas, A number of the inhabitants of the neighborhood associated themselves together, in pursuance of the trust, and erected a school house thereon:

And whereas, Jacob Light and Henry Fry are at present the trustees elected in pursuance of the articles of association aforesaid:

And whereas, The same has now become inconvenient; now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Light and Henry Fry be and they are hereby authorized to sell at public or private sale, the lot of land aforesaid, and the building thereon, and to convey the same to the purchaser thereof in fee simple, and to apply the proceeds of such sale first to the payment of any debts contracted heretofore by the present or former trustees, in the performance of the trust, next to the expenses attending such sale, and lastly to

Jacob Light and Henry Fry authorized to sell certain real estate.

apply the remainder to the keeping a school in said building until the same are exhausted; the possession of the said building not to be delivered to said purchaser until such proceeds are so exhausted.

SECTION 2. That Joseph Longenecker, J. Michael Killinger and William Early, junior, trustees of the Palmyra school house, in the township of Londonderry, county of Lebanon, be and they are hereby authorized and directed to sell the said school house at public sale, for the best price that can be gotten for the same, and to divide the proceeds thereof equally between the two sub-districts of said town, for school purposes; and to convey the lot of ground on which the said school house now stands, containing about eight and a half perches, to the directors of common schools of said township, for the use of the school on the adjoining lot, and to their successors and assigns forever, for the establishment and support of common schools in said district.

Trustees of the Palmyra school house, Londonderry township, Lebanon county, authorized to sell certain school house.

SECTION 3. That Tobias Kreider, of North Lebanon township, in the county of Lebanon, be and he is hereby authorized and directed to sell at public sale, for the best price that can be gotten for the same, a certain school house and lot of ground situate in North Annville township, Lebanon county, containing about half an acre, adjoining lands of John Keller and Samuel Light, and the public road leading from Lebanon to John Harper's tavern; and to convey the same by deed to the purchaser, so as to vest the same in him in fee simple, and to divide the proceeds of said sale among the original contributors to the building and purchase of the said school house and lot, in proportion to their said contributions.

Tobias Kreider authorized to sell certain school house, &c.

SECTION 4. That the board of school directors of Bethel township, in the county of Lebanon, be and are hereby authorized and empowered to borrow any sum or sums of money, not exceeding in the whole more than eight hundred dollars, which they may deem necessary, at any rate of interest not exceeding six per cent. per annum, for the payment of the debts of said school district, and for the improvement of the school houses and grounds attached to the same, of the said school district; and it shall and may be lawful for the board of directors of said school district to secure the money so borrowed, by bond of said directors and mortgage upon the real estate of said school district, or otherwise, as said directors may direct.

School directors of Butler township, Lebanon county, authorized to borrow money.

SECTION 5. That the said board of school directors and their successors in office, are hereby authorized and empowered to lay an increased taxation every year, as long as it may be necessary, over and above the limit of taxation for school purposes fixed by the present or any subsequent law, so as to raise the sum of two hundred dollars, to be specially pledged for the payment of the interest on said loan, and to provide a sinking fund for its eventual liquidation.

Lay additional taxes.

SECTION 6. That Thomas H. Leinbach and Gottleib Kintzel, executors of the last will and testament of Peter Feosig, late of Jackson township, in Lebanon county, deceased, are hereby authorized and empowered to sell at public sale, a certain tract of land, containing about three acres, situate in Marion township, Berks county, adjoining lands of John Wagner and others; the proceeds to remain in the hands of said executors during the life time of Elizabeth Feosig, widow of said testator; the interest thereof to be paid unto said Elizabeth annually, and after her death, immediately, the said proceeds to be paid unto the heirs of said deceased, according to the direction of said will: *Provided*, That before said sale shall be considered valid, the said executors shall enter in bond to be approved by the orphans' court of Lebanon county, in double the amount of said sale, conditioned for the faithful performance of their trust and application of said proceeds.

Executors of Peter Feosig, authorized to sell certain real estate.

Trustees of the
Columbia school,
in the borough of
Columbia, au-
thorized to sell
certain real es-
tate.

SECTION 7. That Evan Green, John Cooper, Abram Bruner, doctor James S. Clarkson, Joseph Cottrell, senior, Jonathan Pusey, John Barber, and Joseph Cottrell, junior, trustees of the Columbia school, in the borough of Columbia, Lancaster county, be and they are hereby authorized and empowered to sell to the burgess, assistant burgess, and town council of the borough of Columbia aforesaid, all their real estate on Third street in said borough, consisting of a lot of ground with a two story brick school house thereon erected, and to make a deed in fee simple for the same to the proper authorities thereof.

Commissioners of
Philadelphia
county author-
ized to borrow
money.

SECTION 8. That the commissioners of Philadelphia county be and they are hereby authorized to borrow, on the credit of the said county, a sum not exceeding forty thousand dollars, redeemable in twenty-five years from the date of the certificates of such loan, at an interest not exceeding six per centum per annum, to be applied to redeem the loan of the said county, authorized by a resolution of the general assembly of this state, passed the twenty-sixth day of April, A. D. one thousand eight hundred and forty-four.

Bank of Ger-
mantown, rela-
tive to.

SECTION 9. That the act, entitled "An Act to extend the charter of the Bank of Germantown," approved the eleventh day of April, one thousand eight hundred and forty-nine, shall be so construed as to require said bank to pay into the treasury of this commonwealth, within three months from and after the expiration of its present charter, two per centum on the amount of its capital actually paid in, and should hereafter a further amount of capital be paid in, said bank shall be required to pay into the state treasury, within three months thereafter, two per centum upon such amount.

Preamble.

WHEREAS, Jonathan D. Gillespie, deceased, of New Milford, in the county of Susquehanna, did, by his last will and testament, dated the eleventh day of June, Anno Domini, one thousand eight hundred and forty, devise the real estate of which he died seized, as well as his personal and mixed estate, to Leah Gillespie, his wife, for the support of herself and the children of the said Jonathan D. Gillespie, till the youngest child should become of lawful age, when the residue of said estate, after the payment of the debts and the necessary expenses of bringing up the minor children, was to be divided among the heirs of said Jonathan D. Gillespie :

And whereas, One portion of the real estate so left by him, and also the personal property, has been sold and exhausted in the payment of the debts of the estate and in bringing up the family :

And whereas, Four of the eight children of the said John D. Gillespie are yet minors, the youngest of which is not yet eleven years of age :

And whereas, All that is left of the estate of the said Jonathan D. Gillespie, deceased, consists of a farm or lot of land, situate in said New Milford township, containing one hundred acres of land, and bounded on the north by lands of the late S. Meylert, deceased ; on the east by the same ; on the south by the Newburg turnpike road, and on the west by lands of Sidney Walker, John Dunlap and James W. Belknap :

And whereas, Said land is so unproductive, and so going to decay, that the said Leah Gillespie and her minor children cannot be supported from it, and that it would be greatly to the benefit and advantage of all the heirs having an interest therein that it should be sold ; therefore,

Leah Gillespie,
testamentary
guardian of the
minor children of

SECTION 10. That the said Leah Gillespie, testamentary guardian of said minor children, shall have authority to sell, at either public or private sale, said piece of land, and to convey the same in fee simple to the purchaser or purchasers thereof, upon such terms as shall be most

advantageous to said heirs, in as full a manner as if said land had been devised to her in fee simple : *Provided*, That before this section shall become operative the said Leah Gillespie shall give security, to be approved by the orphans' court of Susquehanna county, for the faithful application of the proceeds of the sale authorized by this act, and that the said court shall have approved of said sale.

SECTION 11. That hereafter the directors of the public schools of the ninth section of the first school district of the state of Pennsylvania, shall elect two comptrollers instead of one; and so much of thirty-eighth section of the act relative to the election of borough and township officers, and for other purposes, passed the seventh day of March, one thousand eight hundred and forty, as inconsistent herewith, be and the same is hereby repealed.

SECTION 12. That the township of Tyrone, in the county of Perry, shall be and the same is hereby erected into a school district, separate and distinct from the borough of Landisburg, within its boundaries, and shall elect school directors, and in all other things shall be governed by the general laws of this commonwealth relating to townships and school districts.

SECTION 13. That the school district erected out of parts of the townships of Allegheny and Clearfield, in the county of Cambria, by the third section of the act relative to certain school districts, passed the ninth day of April, eighteen hundred and forty-nine, shall be called Ashland district; and the qualified voters thereof shall hold their first election for school directors at the office at Ashland furnace, in said district, on the third Friday in May next, and on the same day in each and every year thereafter, at the school house that may be erected in said district nearest to said furnace.

SECTION 14. That the first election for the borough of Montoursville, in the county of Lycoming, in pursuance of the act incorporating said borough, shall be held on the third Friday in April; and that Samuel C. Williams be and he is hereby appointed judge, and Samuel Paulhamus and Levi Coder are hereby appointed inspectors to hold said election.

SECTION 15. That the proper authorities of the borough of Meadville, be and they are hereby authorized to alter the road or street leading from the public square, in said borough, north, so that the same shall continue at an angle of north eleven degrees east from North street, to where the road or street strikes the north-west corner of the public ground on which the state arsenal stands : *Provided*, That in so doing, the fence on the west side of the arsenal ground be removed to the east boundary of the road or street where it may be located.

SECTION 16. That the qualified electors of the borough of Pauxsutawney, Jefferson county, shall hold their election for borough officers, for the year one thousand eight hundred and fifty, on the first Saturday in May next, and the time for holding their borough elections shall be on the first Monday in May in each year thereafter; any part of the act of incorporation inconsistent herewith is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 266.

AN ACT

To alter and amend an act, entitled "An Act to erect the town of Chester and its vicinity, in the county of Delaware, into a borough, and for other purposes therein mentioned."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Chester, in the county of Delaware, shall be and the same is hereby erected into a borough, under the name and title of the borough of Chester, the extent and boundaries of which shall be as follows: beginning on the river Delaware, at the mouth of Lemokin run at low water mark; thence up the said river to the mouth of Ridley creek; thence up the said creek to the line dividing the lands of Spencer M'Ilvain and the heirs of John Burke; thence a straight course to a hawthorn tree upon the western side of the Providence great road, on the lands of Joseph Engle, and upon the south-eastern line of lands formerly of Joseph Neide, deceased; thence along said line to the middle of the public road leading to Middletown; thence down the middle of said road to Ship creek; thence down the said creek to where the same empties into Chester creek; thence a straight course to Lemokin run aforesaid, at the line dividing the lands of William Young and William G. Flower; thence down Lemokin run to the place of beginning.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, and who shall have resided within the same for one year immediately preceding such election, and within that time have paid a borough tax, shall have power, on the first Monday in April in each and every year, to meet at the place where the elections for members of general assembly are held, or at such other place within the said borough as the council, by ordinance, may direct, and then and there, between the hours of two and seven in the afternoon, elect by ballot one citizen residing in said borough for burgess, to be styled "burgess of the borough of Chester;" and at the first election nine persons qualified to vote at said election, and at each succeeding election three persons, qualified as aforesaid, for members of the town council; and at every such election one such person to serve as town clerk, and one such person to serve as high constable of said borough; but previous to the opening of the first or any subsequent election, the inhabitants of said borough qualified to vote for borough officers as aforesaid, who may be present at the place where the election is to be held, shall choose two persons as judges, one as inspector, and two as clerks of said election; and said elections shall be regulated throughout according to the general election laws of this commonwealth, so far as relates to the receiving and counting of votes; and the said judges and inspector, and clerks, shall respectively take an oath or affirmation, to be administered by any of them, to perform their respective duties with fidelity and impartiality; and after the said election shall be closed, they shall declare the persons having the greatest number of votes duly elected to the respective offices for which such persons were named on the ballots of the electors; and in case two or more candidates shall have the same number

Name.

Boundaries.

Annual election
of burgess, town
council, clerk,
constable, &c.

Officers of elec-
tions.

Duties.

of votes, the preference shall be determined by lot, drawn in the presence of said judges and clerks, by the said inspector, after the election shall be closed and the votes counted, whereupon the said judges shall make out duplicate returns, under their hands, containing the names of the candidates and the number of votes given for each, one copy of which shall be delivered to the town clerk, and the other filed among the records of the corporation; and duplicate certificates of the said election shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed and preserved among the records of the corporation; and it shall be the duty of the town clerk to give notice in writing, within twenty-four hours from the time the said return is made out, to each of the persons so elected, naming particularly in said notice the office to which said person is elected; and he shall hand over the returns of such election in his possession to the town council, at their first meeting after such election, which said returns shall also be filed among the records of the corporation; and if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the burgess shall issue his precept, directed to the high constable, to hold an election in the manner aforesaid to supply such neglect, giving at least eight days' notice, by six advertisements set up in the most public places in said borough: *Provided*, That the members and officers of the corporation shall continue to exercise all the powers and perform all the duties given to and enjoined upon them by this act until successors are duly elected or appointed.

SECTION 3. That the said council shall meet on the first Wednesday after their election, to receive and examine the returns of their election; and at their first meeting the members shall divide themselves by lots into three classes, the seats of the first class shall be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third class at the expiration of the third year, so that one-third may be chosen every year after the first election; and the said council shall appoint one of their body president of their board, whose duty it shall be to preside at the meetings of their board, sign all orders, to convene the board when occasion may require, and generally to perform such duties as may be enjoined on him by ordinances of council; and in case of his absence, death, resignation, neglect of duty, or other inability to act, the said council may and shall from time to time elect a president pro tempore, as occasion may require, who shall exercise the same authority and perform the duties that are or may be enjoined on the president; and whenever a vacancy or vacancies occur in the town council, occasioned by death, resignation, refusal to act, or removal from the borough of any of the members thereof, the council may at the next stated meeting, or any subsequent stated meeting thereafter, fill such vacancy or vacancies by the election of any qualified citizen or citizens by ballot; and the person or persons so elected by the council as aforesaid to fill such vacancy or vacancies, shall remain in office until the next annual election for borough officers, when the qualified voters of the said borough shall elect a sufficient number of citizens, qualified as in this act before directed, for the unexpired terms of such members whose places were thus supplied by an election of the council.

SECTION 4. That from and after the passage of this act, the burgess and council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The corporation of the borough of Chester," and by the same name shall have perpetual succession, and by such name shall at all times forever be

Council to examine returns, &c.

Classification of members.

President of board.

Duties.

Vacancies in town council.

Style.

Privileges.

able and capable in law to have, purchase, acquire, receive, hold, possess and enjoy, lands, tenements, rents, hereditaments, liberties, franchises and jurisdiction, goods, chattels and effects to them and their successors forever in fee simple, or for any other less estate, and the same lands, tenements, hereditaments, goods, chattels and effects by such name, to grant, bargain, alien, sell, convey, mortgage, pledge, charge and encumber, or demise and dispose of at their will and pleasure; and by the same name shall be able and capable in law or in equity, to sue or be sued, plead or be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, in all manner of suits, actions, complaints, pleas, causes, bills, answers, matters and things that to the said borough as a body politic in law and in fact shall and may appertain; and for that purpose shall have and use one common seal, and the same from time to time may change, alter, deface and make anew.

Penalty for refusing to serve as burgess, &c.

Proviso.

SECTION 5. That if any person duly elected chief burgess or member of the town council, or appointed or elected town clerk, street commissioner, high constable or other officer, and having received notice thereof, shall refuse or neglect to take upon him the duties of the said office, or shall neglect or refuse to discharge the same after having taken upon himself the duties of the said office, every person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of twenty dollars: *Provided*, That no person shall be required to serve the same office more than one term thereof in five years; which fine, and all others incurred and payable by this act, or by the acts of the corporation, shall be adjudged to be paid to the corporation, on conviction before any justice of the peace residing in the said borough, or in the county of Delaware; and it shall be the duty of all officers of the said borough, on receiving money belonging to the corporation, to pay the same forthwith to the treasurer of the said borough.

Take oath.

SECTION 6. That the members of the said corporation, high constable and all other officers created by this act, shall severally, before taking upon themselves the duties of their respective offices, take an oath or affirmation before a judge or justice of the peace of the county of Delaware, or the chief burgess or president of council aforesaid, to support the constitution of the United States and the constitution of the state of Pennsylvania, and to perform the duties of their respective offices with fidelity; certificates of which oath or affirmation shall be filed among the papers of the corporation.

Precept to the collector of taxes.

SECTION 7. That the chief burgess elected and qualified agreeably to this act, or in his absence, refusal, neglect or inability to act, the president of the council is hereby authorized to issue his precept as often as occasion may require, to the collector, commanding him to collect the taxes assessed in pursuance of this act, and the same to pay over to the treasurer: and the said chief burgess, or in his absence, refusal, neglect or inability to act, the president of the council is hereby authorized to carry into effect all by-laws and ordinances enacted by the council, and whatever else may be enjoined on him or them for the well ordering and good government of the borough; and all attestations made by the chief burgess or person acting in his stead, with the seal of the corporation, shall be good evidence of the acts or things certified; and for affixing the seal of the borough to any instrument for other than borough purposes, he shall receive the sum of fifty cents; and the said burgess shall be entitled to a seat in town council, but he shall not be entitled to or allowed a vote upon any measure or question acted upon by the said council.

SECTION 8. That the power of the said corporation of said borough, shall be vested in the said town council, who shall, in town council assembled, have full power and authority to make, ordain, constitute and establish such and so many laws, ordinances, regulations and constitutions: *Provided*, The same shall not be repugnant to the laws and constitution of the United States or of this commonwealth, as shall be necessary or convenient for the government and welfare of the said borough; and the same to enforce, put in use and execution by proper officers, whom they shall have power to appoint and to remove at pleasure; and at their pleasure to revoke, alter and make anew, as occasion may require; and five of said council shall form a quorum.

By-laws.

SECTION 9. That the said council shall have power to borrow for the use of said borough, for the purpose of grading and improving the streets, lanes and alleys of said borough, and for other purposes, any sum or sums of money which they shall deem necessary, and to issue certificates of loan for the same, for the sum or sums, amount or amounts so borrowed, to the persons respectively lending the same; and the said certificates signed by the chief Burgess, by the president of the town council and by the treasurer, shall be binding and obligatory on the said corporation: *Provided*, That the debt or debts created against the said borough for moneys borrowed under this or any other section of this act, for any and all purposes whatever, shall not at any time in the whole, exceed the sum of five thousand dollars, and that no certificates of loan shall be issued for a less sum than fifty dollars: *And provided further*, That before any such borrowing shall be done, a meeting of the citizens of the borough shall be called by the council, by written or printed notice, posted in at least six public places in said borough for ten days previous to said meeting, specifying the object of the meeting, and the object and amount of the loan asked for, and the majority of the citizens attending said meeting shall approve of the same by ballot; and the said council shall have power to lay and collect taxes within the limits of the said borough, for the purpose of carrying into effect the by-laws, rules and ordinances of the said borough, for meeting the current expenses of said borough, and for the repayment of all loans, with interest thereon, hereafter to be made for the use of said borough, for the re-payment of which the faith of the said borough shall hereafter be pledged; the assessment of which taxes shall be made upon all real and personal property within the said borough, and upon all professions, trades and occupations of the citizens thereof, taxable for county purposes; and shall be assessed upon the valuation of the same next before made, for the purpose of county rates and levies, and shall not in any one year exceed one-half per cent. upon such valuation: *Provided*, That no one tract of land within the said borough, used for agricultural purposes, shall, with the farm house, barn and other agricultural buildings thereon, be appraised for said assessment at a higher valuation than that of the best dwelling house and curtilage within the said borough: *And provided further*, That moneys at interest, and stocks in banks and other corporations, shall not be included in said assessment; and the collector of taxes appointed by said council, shall, on the delivery of the duplicate to him, proceed to collect the amount of such duplicate from the persons therein respectively charged, and pay over the same when collected without delay to the borough treasurer, taking his receipt therefor; and if any person shall neglect or refuse to make payment of the amount due by him for such tax within thirty days from the time of demand made, it shall be the duty of the collector holding the duplicate wherein such tax shall be charged, to levy such amount by distress and sale of the goods and chattles of such

Borrow money.

Certificates of loan.

Proviso.

delinquent, giving ten days' public notice of such sale, by written or printed advertisements, to be set up in six of the most public places within the said borough.

Collectors of
taxes.

SECTION 10. That the said council shall have power at their first meeting, after they shall have been elected and qualified, and yearly thereafter, to elect, viva voce, as many suitable persons as they shall deem necessary, to be collectors of taxes for said borough, who shall collect the taxes for the year for which they shall be appointed, and shall give such security for the faithful discharge of their duties, as the said council shall direct; and also, one or more street commissioners, a clerk of the markets, and such other officers as they shall deem necessary for the proper execution of the laws and ordinances, and the carrying of the police regulations of the said borough into effect; and shall have power by ordinance, to fix the compensation of all the said officers, and to prescribe their duties, and at pleasure to dismiss and remove all of or any of them, except the tax collectors.

Court of appeal.

SECTION 11. That the chief burgess and two inhabitants qualified to vote for members of town council, to be appointed by a majority of the council for that purpose, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of his tax, and the time and place of appeal, by serving a written or printed notice upon him, or by leaving the same at his place of residence: *Provided*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievances that may occur in imposing the same.

Markets, regulation of.

SECTION 12. That the inhabitants of the said borough may and shall have hereafter forever, markets in said borough on such days and as many in the week as the said council shall direct; and the said council may and shall by ordinance provide for the regulation of said markets, for removing nuisances and obstructions from the streets, roads, lanes and alleys, and regulating the width of porches, steps, cellar doors and other devices that may project into any street, road or public highway; ascertain and regulate the depth of any vaults, sinks or pits for necessary houses, and fix the distance of the same from the lines of adjoining lots; make permanent rules relative to foundations for buildings, party walls and fences; they shall have full power and authority to prevent and restrain the exercising or practising of any trade or occupation which shall be dangerous to the health and property of the inhabitants; they shall power to impose fines and penalties, and the same to enforce and recover; they shall have full power and authority to establish a nightly watch, to fix lamps in any part or parts of said borough, and for more conveniently watching the same, may divide the borough into districts: *Provided*, That when a nightly watch shall be established, or lamps fixed in any part or parts of said borough, the persons applying for the same, and they only, shall be assessed with the expenses thereof.

Tax on dogs,
&c.

SECTION 13. That all dogs owned, kept or permitted to remain at or about any house or premises within said borough, by the owner or occupant thereof, shall be subject to taxation for the use of said borough; and it shall be the duty of the town council annually to issue their precept to the high constable of said borough, authorizing and requiring him to enumerate and return to said council, within twenty days thereafter, the names of all the inhabitants of said borough who own or keep any dog or dogs, or permit the same to remain about their houses or premises, designating the number so owned, kept or permitted to remain by each, whereupon the said town council shall proceed to levy and assess on every such person, so returned to them as aforesaid, a tax of

one dollar for each and every dog owned, kept or permitted to remain as aforesaid by such inhabitant, which said tax shall be enforced and collected in the same manner as other taxes are collected by said borough.

SECTION 14. That the inhabitants of said borough qualified to vote for burgess and town council, may and shall, at the time and place and in the same manner they elect the burgess and town council, elect a borough treasurer, to serve one year from the time of his said election and until another person be duly elected and qualified to serve in his stead; and the said treasurer shall give security, by bond with two or more sufficient sureties, to be approved by the town council, for the faithful discharge of the duties of his office, and for the payment and delivery of all moneys, books and papers remaining in his hands belonging to his said office, over to his successor in office; and the said bond shall be taken in the name of the corporation of the borough of Chester, and shall be filed among the records of the said borough; and they shall also at the same time and place, with the first election hereinbefore provided for, elect three respectable citizens of said borough, one for three years, one for two years, and one for one year, and at every subsequent election hereinbefore provided for, one such citizen for three years to serve as auditors, whose duty it shall be to audit the said treasurer's account, and the accounts of the said town council, and compel by attachment or otherwise, the production of books and papers for that purpose.

Election of borough treasurer.

Treasurer to give bond.

SECTION 15. That it shall be the duty of the town clerk to attend all the meetings of the council when assembled on business of the corporation, and perform the duty of clerk thereto, and attest, keep and preserve the records of the corporation and be answerable for the same; and also to perform all the duties enjoined upon him by this act, or by the acts of the corporation.

Duty of town clerk.

SECTION 16. That from and after the passing of this act, all streets, lanes and alleys within the said borough, opened or laid out, or drawn or marked on plans or plots by those persons who have laid out additions to the original plan or plot of the town of Chester, as public streets, roads and alleys, shall be deemed and considered public highways.

All streets, lanes and alleys to be deemed public highways.

SECTION 17. It shall and may be lawful for any person or persons owning lands within the limits of said borough, at any time after the passage of this act, with the consent of the town council, to open a street or streets through the same, and to declare said street or streets to be for public use; and when the same shall be so opened, a survey thereof shall be made and together with a plot or draft thereof submitted to the town council, with the written agreement of the owner or owners of said lands, that the said street or streets shall be used in all respects as public streets of said borough, and the said town council shall signify their assent to the same in writing, signed by the president and attested by the town clerk, and shall cause the same to be filed amongst the records of said borough; and from thenceforth the said street or streets shall be deemed and taken to be public street or streets of said borough, and shall be kept and maintained, and if need be, vacated as other streets of the said borough are now or may hereafter be by law, kept, maintained and vacated: *Provided*, That the said streets shall not be less than forty nor more than one hundred feet in width: *And provided further*, That mortgages and persons holding liens against said lands, shall not be affected by such agreement, without their written consent.

Persons owning land within said borough, may open streets, &c.

Proviso.

Appointment of
viewers to lay
out streets, &c.

SECTION 18. That the courts of quarter sessions of the county of Delaware, on being petitioned to grant a view for opening, widening or extending any street, road or alley within the borough of Chester, in the county aforesaid, shall have power and by virtue of this act are directed and required as often as they judge it useful, in open court, to order and appoint six discreet and disinterested freeholders, neither of whom shall reside or own real estate in the borough aforesaid, whose duty it shall be after being first sworn or affirmed to view the ground proposed for opening, widening or extending such street, road or alley; and if they or any five of them view the said ground, and any four of the actual viewers agree that there is occasion for such street, road or alley to be opened, widened or extended, they shall proceed to lay out the same as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof stating particularly whether they judge the same necessary, together with a plot or draft thereof to the next court of quarter sessions; and if then and there the court aforesaid shall approve of the same, it shall at the next court thereafter be entered on record, and thenceforth shall be taken, deemed and allowed to be a public street, road or alley; compensation being made to the owner or owners of the ground or other property as herein directed.

Returns of view-
ers.

SECTION 19. That on the return of the viewers reporting in favor of opening, widening or extending any street, road or alley as aforesaid, and the same being approved of by the court at their next session thereafter, to which the report is returned, the court shall appoint six discreet and disinterested freeholders, neither of whom shall reside or own real estate within the borough of Chester aforesaid, who being first sworn or affirmed shall inquire what damages the owner or owners of lands, house or houses or other property shall or may sustain by reason of the same being taken, used and appropriated for the purpose aforesaid: *Provided always*, That it shall be the duty of the said freeholders in assessing damages, to consider the advantages which may accrue to the owner or owners of such lands, house or houses, or other property by reason of opening, widening or extending such street, road or alley.

Damages.

Damages to be
paid by treasurer.

SECTION 20. That upon the return of the valuation and assessment of damages as aforesaid, for ground or other property taken and appropriated for any public streets, roads or alleys within the borough aforesaid, and the court of quarter sessions of the said county of Delaware having approved the same, the amount of damages awarded as aforesaid shall be paid by the treasurer of the said borough; and the chief burgess and town council of the said borough shall cause such street, road or alley or other passage to be opened, widened or extended agreeably to the directions of the said court.

Track or tracks
of railroad.

SECTION 21. That the town council of the said borough of Chester shall be authorized to empower any person or persons to lay down at the expense and for the profit and advantage of such person or persons a track or tracks of railroad on any street, lane or alley of the said borough from the piers or wharfs, public or private, on the river Delaware, to connect with the Philadelphia, Wilmington and Baltimore railroad at the said borough, whenever they deem it expedient.

High constable to
give notice of an-
nual elections.

SECTION 22. That it shall be the duty of the high constable to give notice of the annual elections of the said borough, by setting up advertisements in eight of the most public places in the borough, ten days previous thereto; he shall attend and see that the same is opened at the time and in the manner directed in this act; and it shall and may be lawful for the said high constable to perform all the duties, and exercise

all the authorities of the constables of the several townships in this commonwealth within the said borough, and within the county of Delaware, and generally to do, execute and perform whatever else may be enjoined on him by said council; and the said high constable shall be entitled to the same fees for the same service, that are by law allowed to other constables, and shall be sworn in by the said town council, and also by the court of quarter sessions of the county of Delaware held next after his election, and shall give the security required of other constables.

SECTION 23. It shall and may be lawful for the town council aforesaid, upon the petition of a majority of the persons owning lands upon any street within the limits of the lands now held by John P. Crozer and John M. Browell, as tenants in common in said borough, or section of such street, not less than three hundred feet in length, to pass an ordinance prohibiting all persons from building frame or wooden buildings upon or within sixty feet of said street, or section of street; and if any person or persons shall after the publication of such ordinance, build or cause or suffer to be built, any such building within the limits covered by said ordinance, he, she or they, his, her or their heirs or assigns, owners of said building, or the ground upon which it may stand, shall forfeit and pay to the town council for the use of said borough, the one-fourth part of the rent or annual value of said building each and every year, as long as it shall remain within said limits, to be recovered in an action of debt or by distress upon the premises of the goods and chattels of the tenant or occupant thereof, as rents are by law recoverable.

Buildings regulated.

SECTION 24. That the said council shall have power by ordinance, to determine the width of the side or foot-walks of the streets, roads and alleys within the limits of the said borough, and to regulate, grade, cut down, fill up, pave, curb and re-curb the same, and to form and make all and every the foot-ways, side-walks and gutters in the streets, roads and alleys of the said borough, and to require and direct the curbing and paving of all and every the side or foot-walks, by the owner or owners of lots fronting thereon; and on the failure or neglect of any person or persons owning lots as aforesaid, to curb and pave the side or foot-walks in front of his or their lot or lots, agreeably to the requisitions of such ordinance, the chief burgess shall issue his precept to the street committee, commanding them to cause the same to be paved and curbed at the expense of said borough, and the owner or owners of said lot or lots shall be liable to re-pay the expenses thereof to the said borough; and it shall be lawful for the said council to file their lien for the same in the name of the said corporation, in the court of common pleas of Delaware county, which shall have priority to any mortgage, judgment, recognizance or liability to which the said lot or lots may become liable after the passage of this act; and the amount secured thereby may be recovered by scire facias, as debts are recoverable under the mechanics' lien law, in the corporate name of the said borough: *Provided*, That such lien shall be filed within thirty days after such expense is incurred by said borough, and recite the name of the owner, or reputed owner, and the occupier or occupiers of such lots, or at the option of the said town council in lieu of the filing of said lien, they may recover the amount of the expense of said curbing and paving from the said owner or owners, with the costs of suit, by an action in the name of the town council of the borough of Chester, before any justice of the peace having jurisdiction of the amount thereof, or in any court of common pleas of this commonwealth; and the tenant in possession of any such ground is hereby authorized to pay the same

Width of roads, &c., regulated.

Liens,

and defalk the amount thereof against the rent which may be then due, or may thereafter become due for such ground; and the same when paid or recovered shall be paid into the treasury of the said borough for the use thereof: *Provided*, That such distress shall be limited to the amount of rent due, or to become due, during the term of the said tenant: *And provided further*, That no owner shall be obliged to pave or curb, or defray the expense of curbing or paving any foot-way of a greater breadth than five feet, nor of greater length than one hundred feet continuously upon any street, except in front of a dwelling house or houses, or other buildings.

Repair of foot-ways.

SECTION 25. If the owner, owners, or person or persons having the charge or possession of any ground fronting on a foot-way wholly or partially paved and curbed, shall suffer the said curbing and paving to be out of repair and shall neglect for the space of twenty days, after he, she or they shall have been required by the town council or other proper officer of the said borough to put the same in good repair, then it shall be lawful for the proper officer or officers to re-curb and re-pave such foot-way, and to recover the amount of the expense thereof from the said owner or owners, or person or persons, by filing a lien by action of debt, or by permitting the tenant to pay and defalk the same as hereinbefore provided in the twenty-fourth section of this act as to curbing and paving.

Notice to pave and curb, &c., to be served.

SECTION 26. All requisitions to pave and curb, or re-pave and re-curb shall be made by serving a written notice thereof upon the owner or owners, or the tenant or occupant of the grounds so fronting upon the foot-way required to be curbed and paved, or re-curbed and re-paved, if such owner or owners, or the tenant or occupier be resident within the county of Delaware; and if there be no owner or owners, tenants or occupier of said grounds resident within the said county, then the notice of such requisition shall be published by written or printed notices posted upon the premises, giving sixty days for the completion of such curbing and paving, and twenty days for the completion of such re-curbing and re-paving, three successive weeks prior to the commencement of said curbing and paving, or re-curbing and re-paving.

Burgess and town council authorized to provide a suitable house for security and temporary detention of persons committed, &c.

SECTION 27. The burgess and council are hereby authorized and empowered to build or otherwise provide at the expense of the said borough, a suitable house or other place for the security and temporary detention of persons committed by justices of the peace of said borough or vicinity, and by the burgess or member of the town council acting in his place, for any violation of the laws of this commonwealth or of the ordinances of said borough, for which such person or persons could lawfully be committed to the county prison of Delaware county, there to remain and be kept until such offender or offenders can be removed to the county prison if committed for an indictable offence, or otherwise could be discharged according to law: *Provided*, That no person shall be confined in said house or other place at any one time for a longer period than forty-eight hours, unless such person or persons be charged with an indictable offence and it be necessary to detain him, her or them for examination; and the said burgess is hereby authorized to inflict the punishment of imprisonment in said house or other place provided, with the above limitations, upon such person or persons as may violate the ordinances of the said borough, unless such offender or offenders could be more properly punished by fine.

Expenses of committing and keeping to be paid by county.

SECTION 28. The expense of committing and keeping any person or persons in the said house or other place on the charge of having committed an indictable offence, shall be paid by the county of Delaware

upon the presentation of proper accounts of the same to the commissioners of said county.

SECTION 29. That the said town council be and they are hereby authorized and empowered to purchase land and to borrow money for that purpose, under the restrictions and limitations hereinbefore provided, and to construct thereon steam or other suitable works at any point within the said borough, which they may deem expedient for the purpose of pumping up and supplying the said borough and the inhabitants thereof with water from the Delaware river, from Chester creek or from any other stream of water in the vicinity; and to construct a reservoir or reservoirs for the reception of said water, and to lay supply pipes from the said river, creek or stream and works to the said reservoir or reservoirs, and to lay pipes of conduit from the said reservoir or reservoirs through any and all the streets of the said borough, and to lay branches from the said pipes leading into and upon all and every the lots and premises upon the said streets; and to supply the said borough and individuals and corporations with water for family and other purposes, for such compensation and according to such rates and regulations as shall be adopted by the said town council: *Provided*, That before such lands shall be purchased and works erected, the consent of a majority of the citizens of said borough shall be first had and obtained in the manner provided in the ninth section of this act: *And provided further*, That no such water pipes shall be laid in any street without the consent of a majority of the owners of lots thereon.

SECTION 30. It shall be lawful for the said town council to levy a tax upon all persons and corporations using the said water, or upon whose lots and premises the same shall be used, which shall be graduated according to the amount of water used by each, and shall be collected in the manner hereinbefore provided with respect to the other taxes of the said borough, and set apart to defray the expenses of the building and laying of such water works, reservoir or reservoirs and pipes, and to discharge the debt incurred in the purchasing said lands, and in such building and laying: *Provided*, That no lots, grounds or premises shall be supplied with said water, without the written request of the owner or owners first being made.

SECTION 31. That the inhabitants of said borough, and persons holding property therein, shall be competent witnesses in all actions arising under this act, or the laws or ordinances of said borough.

SECTION 32. That all and every part of any other act hereby altered or supplied, is hereby repealed: *Provided*, That all proceedings commenced before the passage of this act for laying out, opening or widening streets, lanes or alleys, for collecting taxes, and for enforcing the payment of any moneys due said borough under any act hereby repealed, shall be conducted to a termination in the same manner as if this act had not been passed: *And provided further*, That such repeal shall not be held to divest any rights of real or personal property vested in said borough or in individuals, under or by virtue of such repealed act or acts.

SECTION 33. That as often as any doubts shall arise touching the construction of this act, the same shall in all courts of law and equity elsewhere, be construed and taken most favorably for said corporation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 267.

AN ACT

To incorporate the Sons of Temperance hall association of Schuylkill Haven, in the county of Schuylkill.

Preamble.

WHEREAS, Certain citizens of this commonwealth hereinafter named, have associated together for the purpose of erecting a Sons of Temperance hall in the borough of Schuylkill Haven, in the county of Schuylkill, and have with certain moneys raised by issuing certificates of stock and certificates of loan, purchased a certain lot or piece of ground, situate on the south-east side of Front street, above Peter street, in the said borough of Schuylkill Haven, and erected upon the same a hall and other buildings, for the use and accommodation of the division of the Sons of Temperance and other benevolent societies; therefore,

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Absalom Reifsnyder, Benjamin M. Lewis, E. Holt, Jacob Feger, John B. Kennedy, John Freehafer, George Dillman, John L. Coho, Thomas F. Kennedy, Levi Lewis, William Ungerbuehler, Philip R. Palm, Daniel Saylor, Joshua Burchfield, Abraham Saylor, Abraham East, Gabriel Wagner, Adam Ruch, George D. Bowman, Benjamin de Long and John Weaver, and their successors, and all persons who are now or may be hereafter associated with them, be and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style and title of "The Sons of Temperance hall association of the borough of Schuylkill Haven," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity and elsewhere, and shall be able and capable in law and equity to take and hold to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the use of the said association; and also to take and hold for the use of the said association, any goods and chattels, sum and sums of money, by gift, grant, bargain and sale, will, devise or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well being and due management of the affairs of the said association: *Provided,* That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of five thousand dollars: *And provided also,* That the certificates of stock and certificates of loan already issued by the persons, and for the purposes hereinbefore mentioned, shall be assumed by the said the Sons of Temperance hall association of the borough of Schuylkill Haven, who shall pay the interest now due, or that may hereafter become due on the same, and redeem the same whenever they shall respectively become due and payable; the liability of the said association for the payment of the said interest and the redemption of the said certificates, to be the same as if they had been issued by the said association in virtue of law: *And provided also,* That from and immediately after

Style.

Privileges.

Proviso.

Proviso.

Proviso.

the passage of this act, the title to the said lot or piece of ground, and the hall and other buildings thereon erected, shall be vested in the Sons of Temperance hall association of the borough of Schuylkill Haven, as fully to all intents and purposes, as the same is held by the persons hereinbefore mentioned.

SECTION 2. The stockholders shall meet annually on the last Saturday in December, and choose by ballot five trustees, who shall serve until their successors are elected; a majority of the whole number of votes polled, shall constitute a choice, and in the event of a failure to elect any of the said trustees, at any regular election, or in case there shall be a vacancy or vacancies in the board of trustees, growing out of any cause whatever, such action shall be taken as the said association shall by its by-laws provide; at the first meeting of the trustees after their election in each year, they shall elect from their body a president, secretary and treasurer, and such other officers as the business of the corporation may require: *Provided*, That the trustees and officers now managing the affairs of the said Sons of Temperance hall association, shall continue as trustees and officers of the corporation hereby created, till the regular election shall be held as before provided.

Annual meeting
of stockholders.
Trustees.

Provide.

SECTION 3. That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew as they may think proper; and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

Seal.

SECTION 4. The government of the said association and the management and disposition of its affairs and property, shall be vested in the said board of trustees.

Government.

SECTION 5. The corporation shall have power and authority to make by-laws conformable to this charter, and not inconsistent with the laws of the United States or of this commonwealth.

By-laws.

SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said "The Sons of Temperance hall association," of the borough of Schuylkill Haven, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON,

No. 268.

AN ACT

To incorporate the trustees of the Montgomery fund, and for other purposes.

Preamble.

WHEREAS, General William Montgomery, late of Mahoning township, in the county of Columbia, now deceased, by his last will and testament, proved and entered of record in the register's office of said county, on the eighth day of May, one thousand eight hundred and sixteen, provided for the creation of a fund amounting to six thousand six hundred and sixty-six dollars and sixty-seven cents, to be managed by trustees appointed by the said will, and that the interest of the said fund should be annually appropriated in the following manner: two-thirds of the annual interest thereof to the stated pastor of the Mahoning Presbyterian English congregation, and the remaining third of the annual interest thereof to the support of an English school or academy at the town of Danville:

And whereas, The said testator provided that, as in the lapse of time some more permanent board of trustees would become necessary, the pastor and elders of the said congregation, together with a trustee of the said school or academy, should provide for the legal establishment of a permanent board for the perpetual management of the said fund, and the application of the proceeds thereof to the purposes aforesaid:

And whereas, The contingency contemplated has occurred by the death of all his executors who were jointly with others constituted trustees of the said fund; and the pastor and elders of the said congregation, and a trustee of the said academy, have applied by petition to the legislature, to vest the said fund in a board of trustees to be incorporated and constituted as follows: two members thereof to be appointed by the pastor and elders of the said congregation; two members thereof to be appointed by the board of trustees of the said congregation; two members thereof to be appointed by the board of trustees of the said academy; and one member to be appointed by the six members, or a majority of them thus chosen, which one shall be a descendant or heir of the said testator, if any such there be, of competent age and understanding, resident in the borough of Danville, or within a reasonable distance therefrom; therefore,

Corporators.

Style.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Valentine Best, Samuel Yorks, junior, Jacob Hibler, William H. Magill, Eli Wilson, Philip F. Maus, and such other person as they or a majority of them may appoint, who shall be an heir or descendant of the said testator, and their successors in office, are hereby constituted and appointed a body politic and corporate, by the style and title of "The trustees of the Montgomery fund," and by such style and title shall have perpetual succession, and shall sue and be sued in the courts of this commonwealth or elsewhere, and shall do all such acts as a corporate body may do, not inconsistent with the spirit and meaning of this act, nor contrary to the laws of this commonwealth.

SECTION 2. That the fund aforesaid, and the accumulation of the same, together with the interest thereon, if any be due, is hereby vested

in the said corporation, and shall be managed by them; and the interest arising therefrom, after deducting what is sufficient to pay the necessary expenses attending the management and collection thereof, shall be paid over to the several institutions aforesaid in the proportion mentioned, and according to the true intent and meaning of the said testator.

SECTION 3. That the trustees above named shall continue in office until the first Monday in May next, and until their successors shall be appointed; and on that day and annually thereafter, the pastor and elders of the Mahoning Presbyterian English congregation, may and shall appoint two members of the said board of trustees; and on that day and annually thereafter, the trustees of the said congregation may and shall appoint two members of the said board of trustees; and on that day and annually thereafter, the trustees of the Danville academy may and shall appoint two members of the said board of trustees; and the six members thus chosen shall, at their first meeting after their appointment, elect one member of the said board of trustees, who shall be a descendant or heir of the said testator, if any such there be, of competent age and understanding, resident in the borough of Danville, or within a reasonable distance therefrom; and the seven members thus appointed and elected, any four of whom shall be a quorum, shall continue in office for one year, and until their successors are appointed, and no longer; and if any vacancy in the said board shall occur during the year, it shall be filled by the proper authority according to the plan above stated.

SECTION 4. The trustees of the Montgomery fund shall report annually, on the first Monday in May, to each of the boards of trustees of the congregation and academy, the amount of the fund under their care, to whom it is loaned, and the form of the security, and all other information with regard to the fund which it may be their interest to have; and the said trustees are hereby prohibited from loaning the said fund, or any part of it, to any of their own members on any consideration whatever, and also from loaning the same to any other person without good and sufficient security on real estate.

SECTION 5. That the present members of the board of trustees of the Danville academy, shall constitute a permanent board of trustees of the said academy, and shall fill all vacancies therein by their own appointment.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 269.

AN ACT

To incorporate the Doylestown cemetery.

Preamble. WHEREAS, The persons hereinafter named have entered into an agreement to purchase a piece of land in the borough of Doylestown, containing about ten acres, for the purpose of converting the same into a cemetery, and as they are desirous that they and their successors may be incorporated for the purpose of establishing and perpetuating such cemetery; therefore,

Corporators. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That W. T. Rogers, Charles E. Du Bois, Silas M. Andrews, John S. Brown and Samuel J. Paxson, and their successors, be and they are hereby created a body politic and corporate in law, by the name, style and title of the "Doylestown cemetery," and by that name shall have perpetual succession, and be able to sue and be sued, in any court of law or equity, and may have and use a common seal, and the same at their pleasure to alter or renew; and shall have power to purchase, have, hold and enjoy, to them and their successors, the aforesaid piece of land, with such other real estate as they may require for the purpose of establishing said cemetery: *Provided,* That the whole quantity of real estate to be held by them as a corporation, shall not exceed twenty acres; and the said corporation shall have authority to receive gifts or bequests for the purpose of ornamenting or improving said cemetery, and to hold such personal property as may be necessary to carry out the object of this act.

Annual election. SECTION 2. That the affairs of said corporation shall be conducted by a president and four managers, who shall be elected by a majority of the votes of the members of the corporation, on the first Monday of June, in each and every year; and in case no election shall be held at the time aforesaid, the officers of the preceding year shall continue in office until an election shall be held; the said president and managers shall fill all vacancies which may occur in their own body, by selecting a lot-holder to supply any such vacancy, occurring by resignation, removal, death or otherwise, and shall have power to lay out and ornament the grounds purchased for the said cemetery; to erect such buildings thereon as may be necessary for the enjoyment of the same; to lay out, sell and dispose of burial lots; to appoint all necessary officers, and fix their several duties and compensation, and to make such by-laws, rules and regulations as they may deem proper for conducting the affairs of the corporation, for the government of lot-holders and visitors to the cemetery, and for the transfer of lots and the evidence thereof.

Lots transferable. SECTION 3. That every lot conveyed in said cemetery shall be held by the proprietor for the purpose of sepulture alone, transferable with the consent of the president and managers, and shall not be subject to attachment or execution; and that the said cemetery shall hereafter be forever exempted from taxation except for state purposes.

Votes. SECTION 4. That as soon as the money received from the sale of lots in said cemetery, shall be sufficient to pay the purchase money ex-

pended by the persons hereby incorporated, with interest, and the expenses that shall have been incurred by them in laying out, enclosing and improving the grounds, and erecting the necessary buildings, then each lot-holder shall become a member of the corporation, and have a right to vote for the officers thereof; and at all elections held thereafter under this act, each member of the corporation shall be entitled to one vote and no more: *Provided*, That all the money raised thereafter from the sale of lots, shall be expended in improving, repairing and maintaining said cemetery: *And provided further*, That until an election shall be held under the provisions of this act, the persons hereby incorporated shall be managers of the corporation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 270.

AN ACT

Authorizing and empowering Joseph Scott, of Washington county, to convey by deed a certain tract or parcel of land in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Joseph Scott, of Washington county, guardian of the minor children of Philip Crow, late of said county, deceased, be and he is hereby authorized to convey by deed in fee simple unto Catharine M'Adoo, a certain parcel or tract of land situate in Donegal township, in said county, containing five acres more or less, which land was sold by Philip Crow, deceased, to John Simms, by article of agreement dated twentieth day of January, one thousand eight hundred and thirty, and sold by said John Simms to James Barr, and by James Barr to the said Catharine M'Adoo, who is now in the possession of the same.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 271.

AN ACT

Authorizing the canal commissioners to purchase the water power at Loyalsock creek, on the West Branch division of the Pennsylvania canal; and to incorporate a company to construct a plank road.

Canal commissioners authorized to purchase certain water power.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized, if they should deem it necessary to protect the public interests, to purchase on behalf and in the name of the commonwealth, the entire water power, with the appurtenances, created by the state dam at Loyalsock creek, and now owned by Samuel Caldwell, on the West Branch division of the Pennsylvania canal; and if such purchase cannot be made on terms which in the opinion of the canal commissioners are fair and reasonable, then and in that case it shall be the duty of the said commissioners to cause the head gates opening from the canal into the head race of the mills at Loyalsock creek aforesaid, to be so altered as to prevent any water from being drawn from the canal when the same is necessary for navigation; whereupon it shall moreover be the duty of the canal commissioners to assess the damages thereby occasioned, and in either case report the amount due to the legislature.

Commissioners.

SECTION 2. That Daniel Bailey, Henry Sidle, Abraham Mumper, John Mumper, George L. Shearer, Robert Bryson, Jacob B. Wentz, Jacob S. Haldeman, Benjamin H. Musser, Owen James, Thomas C. Hambley, Jacob Coover, Jacob Cockley, James Williams, senior, Hyman Longanecker and Christian Eberly, be and they are hereby appointed commissioners to prepare a book and receive subscriptions to the capital stock of a company to be called the Dillsburg and New Market plank road company, with power to construct a plank road from the mouth of the Yellow Breeches creek, in York county, by the best and most desirable route to Dillsburg, subject to all the provisions and restrictions of the act regulating turnpike and plank road companies, passed the twenty sixth day of January, one thousand eight hundred and forty-nine; the capital stock of said company shall consist of five thousand shares at ten dollars each; and the president and directors may permit any party subscribing for stock to contribute in labor or materials, or in grants of right of way, in payment for said stock, upon such terms as said president and directors may agree upon, and provided said labor and materials be needed in the construction of said work; if said company shall not commence the construction of said road within two years and complete the same within five years, this act shall be void, except so far as necessary to close up the affairs of said company.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 272.

AN ACT

Authorizing the canal commissioners to investigate the claim of William A. Petrikin, for damages sustained on the West Branch division of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and required to examine the claim of William A. Petriken, of Lycoming county, for damages sustained by reason of the erection of the Muncy dam, on the West Branch division of the Pennsylvania canal, and assess the amount of damages, if any, according to equity and justice, and make report thereof to the legislature as soon as practicable; and also to report whether in their opinion the commonwealth is answerable for the alleged damages.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 273.

AN ACT

To incorporate the village of Saint Clair, in the county of Schuylkill, into a borough, to be called Saint Clair.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Saint Clair, in the county of Schuylkill, shall be and the Corporate same is hereby erected into a borough, under the name and title of "The borough of Saint Clair," and shall be comprised within the following boundaries, to wit: beginning at a stone which is north twenty-five degrees west thirty-three hundred (3300) feet from the centre of the intersection of First and Hancock streets; thence north sixty-five degrees east (2640 feet) twenty-six hundred and forty feet to a stone;

thence south twenty-five degrees east sixty-six hundred (6600) feet to a stone; thence south sixty-five degrees west fifty-two hundred and eighty (5280) feet to a stake; thence north twenty-five degrees west sixty-six hundred (6600) feet to a stake; thence north sixty-five degrees east twenty-six hundred and forty (2640) feet, to the place of beginning.

Annual election.

Burgess, town-council, town clerk, justice of the peace, &c.

SECTION 2. It shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough six months previously to such election, to meet at the tavern now kept by Jonathan Johnson, or at such other place as may be appointed by the town council, in said borough, on the first Monday in May in every year, and then and there elect by ballot, between the hours of nine o'clock, A. M., and six o'clock, P. M., of the same day, a citizen residing therein for burgess, and five citizens residing therein for town council, and one for town clerk, and one for justice of the peace, one for high constable, one for assessor, and two for assistant assessors; but previously to such election the inhabitants present shall elect one judge, two inspectors and two clerks of the said election, which shall be regulated throughout according to the general election laws of this commonwealth, so far as relates to the receiving and counting of votes; and the said judge, inspectors and clerks shall respectively take an oath or affirmation before a judge or justice of the peace, to perform their respective duties with fidelity and impartiality, and after the said election shall be closed, they shall publicly declare the persons having the greatest number of votes to be duly elected; and in case two or more candidates shall have the same number of votes, the preference shall be determined by lot, drawn in the presence of the said inspectors and clerks by the said judge; after the said election shall be closed, the said judge and inspectors shall give notice in writing, within twenty-four hours after the election, to the candidates elected, and shall make out a return under their hands, containing the names of the candidates and the number of votes given for each, and deliver the same to the town clerk, who shall hand over the said returns to the town council at their first meeting, which return shall be filed with the papers belonging to the corporation; and if it should happen through neglect or otherwise, that the first election should not be holden on the day aforesaid in the manner herein presented, it shall be the duty of the justice of the peace residing in the said borough, or in case of his refusal or inability or neglect to act, of the constable residing in the borough, to give at least eight days' notice of such election, by at least four advertisements set up in the most public places in the borough; but after the borough has been organized, it shall be the duty of the burgess, or in case of his neglect or refusal or inability to act, of the president of the council, to issue his precept directed to the high constable, to supply said neglect by giving at least eight days' notice of such an election, by at least five advertisements set up in the most public places in the borough: *Provided*, That the members and officers of the corporation shall continue to exercise all the powers, and perform all the duties given to and enjoined upon them by this act, until their successors are duly elected or appointed.

Returns of election, classification of council.

SECTION 3. That the said council shall meet on the first Wednesday after their election to receive and examine the returns of their election, and at their first meeting the members shall divide themselves by lot into two classes, the seats of the first class consisting of three members, shall be vacated at the expiration of the first year, to be re-filled by the election of two members for two years, and one member for one year; and the seats of the second class to be vacated at the expiration of two years, and to be re-filled by two members elected for two years, so that

each year three members may be chosen, one for one year, and two for two years; and the said council shall appoint a president of their board whose duty it shall be to preside at the meetings of their board, sign all ordinances, to convene the board when occasion may require, and generally to perform such duties as may be enjoined upon him by ordinance of council; and in case of his absence, neglect of duty, removal from the borough or other inability to act, the council shall from time to time elect a president pro tempore as occasion may require, who shall exercise the same authority and perform the same duties that are or may be enjoined upon the president; and the burgess shall be removable from office for misdemeanor in the same manner that justices of the peace are removable under the constitution and laws of this commonwealth; and in case of the death, resignation or removal of the burgess or other vacancy in any office, such vacancy shall be filled by a new election for his term of office within ten days thereafter by the council.

President of
board, duties of.

Removals from
office.

SECTION 4. That from and after the second Monday in May, Anno Domini, one thousand eight hundred and fifty, the burgess and council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of the corporation of the borough of Saint Clair, and shall have perpetual succession, and be capable in law to have, acquire, receive, hold and possess goods, chattels, lands, tenements, rents, franchises, hereditaments, jurisdictions and liberties to them and their successors, in fee simple or otherwise; and also to give, grant, sell, let and assign the same, and shall by the name and style aforesaid, sue and be sued, plead and be impleaded in any courts of law in this commonwealth, in all manner of actions whatsoever, and also to have and use one common seal, and the same from time to time at their will to change and alter; and the said inhabitants may and shall have hereafter markets in the said borough forever on such days, and as many in the week, as the said corporation shall order and direct.

Style.

Privileges.

SECTION 5. That if any person duly elected burgess or member of the town council, or appointed or elected town clerk, street commissioner, high constable or other officer, and having received notice thereof, shall refuse or neglect to take upon himself the duties of the said office, or shall neglect or refuse to discharge the same after having taken upon himself the duties of the said office, every person so refusing or neglecting, shall for every such offence forfeit and pay the sum of ten dollars, which fine and all others incurred and made payable by this act, or by the acts of the corporation, shall be adjudged to be paid to the corporation on conviction before any justice of the peace resident in said borough; and when recovered shall forthwith be paid to the treasurer of the said borough; and it shall be the duty of all officers of the said borough, on receiving money belonging to the corporation, to pay the same forthwith to the treasurer thereof: *Provided*, That no person shall be compelled to serve more than one year in every term of three years; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law to prosecute his or their appeal with effect, who shall upon the petition of the party take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Penalty for re-
fusing to serve.

Proviso.

SECTION 6. That the members of the said corporation, high constable and all other officers created by this act, shall severally, before taking upon themselves the duties of their respective offices, take an oath or affirmation before a judge or justice of the peace of the county of Schuylkill, to support the constitution of the United States, the con-

Officers to take
oath.

stitution of the state of Pennsylvania, and to perform the duties of their respective offices with fidelity; certificates of which oaths or affirmations shall be filed among the papers of the corporation.

Town council.
Quorum.

Powers and duties.

Regulation of markets.

Fines.

Assess taxes.

Proviso.

Proviso.

Rate of taxes.

Further powers.
Pitch, pave or
lay with stones,
&c., streets,
roads, lanes, &c.

SECTION 7. That it shall be the duty of the said council, three of whom shall be a quorum, to hold meetings from time to time, as occasion may require, or upon the summons of the president of the council, or in his absence or inability to act, of the burgess; and they shall have power to enact by-laws, and to make such rules, regulations and ordinances as shall be determined upon by the majority of the whole council, necessary to promote the peace, good order and general welfare of the inhabitants of said borough; particularly for the providing for the regulation of markets, laying out, improving, repairing, keeping in order and regulating streets, roads, lanes and alleys, and removing nuisances and obstructions therefrom; regulating the width of porches, steps, cellar doors or other device that may encroach upon or project into any street, road, lane, alley or public highway; ascertaining and regulating the depths of vaults of sinks or pits for necessary houses, and making permanent rules and regulations relative to the foundations of buildings, party walls and fences; they shall have full power and authority to prevent and restrain the exercising or practicing of any trade or occupation, the exercise or practicing of which shall be dangerous to the health or property of the inhabitants; they shall have power to impose fines, penalties, partial and total forfeitures; and also, to assess, apportion and appropriate such taxes as shall be determined by a majority of them, necessary for carrying the said rules and ordinances from time to time into complete effect; and also, to appoint street commissioners, treasurer and collector annually, and such other officers as may be necessary from time to time, and the same officers from time to time to remove for misconduct, neglect or misdemeanor in office, excepting the burgess, who shall only be removable in the manner hereinbefore prescribed: *Provided*, That no rules, by-laws or ordinances of said corporation shall be repugnant to the constitution and laws of the United States and this commonwealth, and that no person shall be punished for a breach of a by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, in at least one newspaper printed in said borough, or by ten advertisements set up in the most public places in the said borough: *Provided*, That no streets, lanes or alleys shall be laid out or extended in such way as to interfere in any manner with any coal mines or coal operations which may now or hereafter exist within the bounds of said borough.

SECTION 8. That the general borough tax, rates and levies, assessed, rated and levied by the said council, shall not, in any one year, exceed one per cent. in the dollar on the valuation of the property by the assessor elected in pursuance of this act; and it shall be the duty of the assessor and the assistant assessors, to be elected as aforesaid, to value, according to the best of their judgments, all property, and rate all single freemen, offices and professions within the said borough, made taxable by the laws of this commonwealth, and to make out the returns of the said assessment in such form and within such time as the council, by ordinance, shall direct; and all taxes, rates and levies, assessed, rated and levied by the council, shall be recovered in the same manner as the county rates or levies in the county of Schuylkill are or may hereafter be by law recoverable.

SECTION 9. That the said council shall have full power and authority, upon the application of two-thirds of the owners of property or lots fronting on any street, road, lane or alley, to pitch and pave, or lay with broken stone and gravel, any such street, road, lane or alley, or to

curb, pave, form or lay with brick, hard substances or gravel, the foot-ways and gutters of the same, and shall tax the property in front of which any such improvement shall be made with the expense thereof, in proportion to the extent of the same in front: *Provided*, No application as aforesaid shall be for less than three hundred feet, or more than one thousand feet of any street, road, lane or alley, at one time: *And provided further*, That in all applications as aforesaid, the owners of an undivided estate shall be entitled to but one signature, and that no person, whatever may be the number of lots owned by him, shall be entitled to more than one signature on any such petition.

SECTION 10. That the said council are hereby authorized to recover the taxes for pitching and paving, laying with broken stone, and gravel, and curbing, in the same manner that county rates and levies are or hereafter may be by law recoverable, or may institute actions for the recovery of such taxes or assessments, before any tribunal in the state having jurisdiction of the amount claimed against the owner or owners of the property, or their legal representatives, in front of which such pitching and paving, laying with broken stone or gravel, or curbing, mentioned in the ninth section of this act, shall be done; and the said council shall and they are hereby authorized to recover legal interest from the time of making such assessment, together with commission of five per cent. for collecting the same.

SECTION 11. That the said council shall have full power and authority to make any by-laws or ordinances to oblige the owners or occupiers of houses in the said borough, to provide and keep in repair any number of leather or tin buckets not exceeding two, to be used only in extinguishing fires.

SECTION 12. That the burgess elected and qualified agreeably to this act, or in his absence, refusal, neglect, or inability to act, the president of the council is hereby authorized to issue his precept as often as occasion may require, to the collector commanding him to collect the taxes in pursuance of this act, and the same to pay over to the treasurer; and the said burgess, or in his absence, refusal, neglect, or inability to act, the president of the council is hereby authorized to carry into effect all by-laws and ordinances enacted by the council, and whatever else may be enjoined on him or them for the well ordering and good government of the borough; and all attestations made by the town clerk, with the seal of the corporation, shall be good evidence of the acts or things certified; and for affixing the seal of the borough to any instrument for other than borough purposes, he shall receive fifty cents.

SECTION 13. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duties of a clerk thereto, and attest, keep and preserve the common seal and records of the corporation, and also to perform all the duties enjoined on him by this act, or by the acts of the corporation.

SECTION 14. That the treasurer shall give sufficient security to the burgess for the faithful discharge of the duties of his office, and for the safe delivery of all moneys, books and accounts appertaining thereto, into the hands of his successor, upon demand being made for that purpose by the burgess or president of the council.

SECTION 15. That there shall annually be elected by the citizens of the said borough qualified to vote as aforesaid, at the time of electing members of the town council, three citizens as auditors, who shall, within one month after their election, settle and adjust the accounts of the several officers of the said borough; and the said accounts being so settled and adjusted, shall forthwith be published by the corporation,

Proviso.

May recover taxes.

By-laws.

Precept to the collector for the collection of taxes, to be issued by the burgess.

Town clerk, duties of.

Treasurer to give bond.

Auditors.

showing particularly the amount of taxes assessed and collected, and of all moneys paid into the treasury, and the amount of and items of expenditure.

SECTION 16. That the burgess, president of the council and treasurer, or any two of them, shall constitute a board of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax, and the place where the appeals will be held, the collector shall notify each taxable by a written notice in the usual manner, at least ten days before the day of appeal: *Provided*, That the said board of appeal shall have no other power than to determine the justness of the apportionment of the said tax, and to remedy any grievance that may occur in imposing the same.

SECTION 17. That the territory within the limits of the said borough shall be a separate election and school district, the elections to be held at the same place in the said borough, at which the borough elections are, or may hereafter be held, and in all other respects shall be separate from the township of New Castle, and every other township in said county, and that all jurisdiction and powers of the officers of said townships from the second Monday in May next, shall cease and determine, except so far as to collect any taxes that may be due and owed to them from the inhabitants of said borough.

SECTION 18. That the judge, inspectors and clerks of the elections held in the said borough for borough officers, shall be allowed each one dollar per day for their services in holding said elections; and the council shall fix the compensation of such officers as shall be appointed or elected under this act, or the acts of the corporation, which compensation shall be paid out of the borough treasury by orders drawn on the treasurer, at such times and in such manner as the council by ordinance may direct.

SECTION 19. That the said council so soon as the same can conveniently be done, shall cause an accurate survey to be made of the streets, lanes and alleys within the said borough, and when the survey shall be completed, shall cause two drafts or plans thereof to be made, with every explanation necessary to the full understanding of the same, one of which plans shall be deposited in the office of the clerk of the court of quarter sessions of the county of Schuylkill, for public inspection and examination, and the other to be kept with the papers of the corporation; and it shall be the duty of the chief burgess to give notice in at least one newspaper printed in the county, that the said survey and plans are completed, and the place where the said drafts are deposited for examination, and that on a certain day to be appointed, the council will hear any objection that may be made thereto; and the said council shall at the time appointed adjudge and determine whether any and what alterations shall be made therein, and shall direct one of the said drafts or plans, authenticated by the president of council and town clerk, under the seal of the corporation, to be recorded in the office for recording deeds in and for the county of Schuylkill; and the said survey and drafts so made and authenticated, shall thenceforth be deemed conclusive as to the courses, widths and lengths of the streets, roads, lanes and alleys in the said drafts laid down and marked as public streets, roads, lanes and alleys, shall be deemed and considered from thenceforth public highways, and the said drafts so made and recorded shall remain unalterable.

SECTION 20. That it shall be the duty of the high constable to give notice of the annual election of the said borough, by setting up advertisements in five of the most public places in the said borough, eight

Board of appeal.
Duties.

Proviso.

Separate election
and school dis-
trict.

Pay of judge, in-
spectors and
clerks.

Survey.

Drafts.

To be filed.

High constable,
duties of.

days previously thereto, he shall attend and see that the same is opened in the manner directed in this act; and it shall and may be lawful for the said high constable to perform all the duties and exercise all the authorities of the constables of the several townships of this commonwealth, and within the said borough, and generally to do, execute and perform whatever else may be enjoined upon him by the council; and the said high constable shall be entitled to the same fees for the same services that are by law allowed to other constables.

SECTION 21. That the inhabitants of the said borough, and all persons holding property therein, shall be competent witnesses in all actions arising under this act, or the laws or ordinances of the corporation; and if any person shall think themselves aggrieved by anything done in pursuance of this act, or of the by-laws or ordinances of the corporation, they may appeal to the next court of quarter sessions to be held for the county of Schuylkill, upon giving security to prosecute such appeal with effect; and the said court having taken such order thereon as to them shall seem just and reasonable, the same shall be conclusive against all parties.

SECTION 22. That the said council shall, whenever the same shall appear necessary, appoint a sufficient number of persons as police officers to keep the peace of said borough, who, during the time of their appointment, shall be invested with the same authority and entitled to the same privileges, emoluments and fees as the constables of the said borough are or shall hereafter be invested with, or be entitled to by law.

SECTION 23. That the council shall, whenever the same shall appear necessary, build, erect or provide and support, a suitable building in the said borough, to be used as a lock-up house or place of security, for the temporary detention of persons committed by a justice of the peace of the said county, for any violation of the laws of the commonwealth for which such person or persons could lawfully be committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county prison, or until he be discharged according to law: *Provided*, That no person committed by a justice of the peace shall be confined in said house for a longer period than forty-eight hours.

SECTION 24. That it shall and may be lawful for the town council, and they are hereby authorized and required to assess and collect annually, on each and every dog and bitch owned or kept by any citizen or inhabitant of said borough, a tax to any amount not exceeding one dollar for the first dog or bitch kept or owned by any citizen or inhabitant of said borough, and not exceeding two dollars a head for the second dog or bitch, and so on in proportion to the number kept by each inhabitant or citizen of said borough, as they may deem expedient and proper, for the use of the said corporation.

SECTION 25. That the citizens of the said borough shall be exempted from paying all road and poor taxes to the township of New Castle, for property within the limits of the said borough that may be assessed after poor taxes, &c. the passing of this act.

SECTION 26. That so much of any other act as is hereby altered or supplied, be and the same is hereby repealed.

SECTION 27. That this act, and the powers and authorities herein vested in the said borough, shall not be impaired, affected or destroyed

Inhabitants to be competent witnesses.

Police officers.

Lock-up house.

Tax on dogs, &c.

Borough exempt from road and poor taxes, &c.

Repeal.

This act not to be affected by omission to elect officers.

by any neglect or omission to elect or appoint all or any of its officers at the times allotted for the same.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 274.

A N A C T

Granting to the borough of Erie a reservation called the Garrison ground, for a public park, and for an hospital; and relative to the North American life and health insurance company.

Preamble.

WHEREAS, This commonwealth by an act passed the eighteenth day of April, one thousand seven hundred and ninety-five, reserved and set apart a tract of sixty acres of land, on the southern side of the harbor of Presque Isle, for the accommodation and use of the United States, in erecting and maintaining forts, magazines, arsenals and dock yards, and other like improvements :

* *And whereas,* The United States have long since ceased to occupy the same for the purposes aforesaid, or any other purpose :

And whereas, The tract of land aforesaid, being within the corporate limits of the said borough, is in a dilapidated, unimproved and unsightly condition, offensive to the good taste and comfort of the inhabitants thereof :

And whereas, If improved and ornamented, and converted into public grounds, it would become highly agreeable and useful, without as is believed interfering with or infringing upon such occupancy as the United States may hereafter desire ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the tract of land aforesaid be granted to the burgess and town council of the borough of Erie, in the county of Erie, for the purpose of a public park and public grounds, to the use and accommodation of the inhabitants thereof ; that the corporate authority of said borough be authorized to take possession of the same to lay it out, or so much as may be required, in a manner suitable to the object ; to find and plant trees and shrubbery, and otherwise ornament and improve the same ; to establish foot-ways, carriage-ways and other avenues ; and to open and extend the streets and lanes of said borough through the same, and to do whatever else may be necessary to appropriate and convert the same to the

Corporate authority of the borough of Erie, authorized to take possession of certain grounds, &c.

uses aforesaid; to make, ordain, establish and enforce all such rules, regulations and by-laws as may be necessary for its maintainance and preservation, not inconsistent with the constitution and laws of the United States and this state.

SECTION 2. That it shall be lawful for the said burgess and town council to set off and appropriate any part of said tract, not exceeding ten acres, for the use of the borough hospital now erected on said tract.

SECTION 3. That this grant, and all the rights and powers hereby conferred, are subject to the right of occupancy by the United States, and subject also to the title of this commonwealth, notwithstanding any improvement that may be hereafter made on said land, as provided in the act aforesaid; and all other acts inconsistent with the provisions of this act, be and the same are hereby repealed.

SECTION 4. That it shall and may be lawful for the stockholders of the North American mutual life and health insurance company, on the first Monday in May next ensuing the date of the passage of this act, to elect a board of directors, consisting of fifteen members, in whom shall be vested the management of the affairs of the said company; the said directors shall at their first meeting after their election, divide themselves into three classes of five each, one of which shall hold their seats for the term of three years, one other class for the term of two years, and the third class for the term of one year; and annually thereafter, on the first Monday in May in each and every year, the stockholders of the said company shall elect five persons as directors, who shall hold their seats for three years; but any person whose seat as a director has become vacant by the expiration of his term, may be re-elected; all acts of assembly, or sections of acts heretofore passed, the provisions of which are inconsistent or conflict with this section, are hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 275.

AN ACT

To establish wharf lines on each side of the river Schuylkill, from Fairmount to the river Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the principal or assistant surveyor of the city of Philadelphia, and the recording or other legally appointed surveyors of the districts of Spring*

For the establishment of wharf lines on the rivers Schuylkill and Delaware.

Garden and Moyamensing, and the surveyor of the township of Blockley, be and they are hereby authorized and empowered, as soon as convenient after the passing of this act, to survey, lay out and take proper soundings of the channel on each side of the river Schuylkill, from Fairmount to the river Delaware, for the purpose of establishing wharf lines thereon, and make a correct plan thereof, with all necessary explanations, which plan, when approved by the board of wardens of the port of Philadelphia, they shall be returned into the office of the clerk of the court of quarter sessions for the county of Philadelphia; and the said court shall thereupon appoint a time and place to hear any objections that may be made thereto by any owner of property adjoining said river, who may think him or herself aggrieved thereby, of which at least ten days' notice shall be given by advertisement in two or more newspapers published in the city of Philadelphia; and if any person shall appear and object to the survey and wharf line so marked and laid out, it shall be the duty of the said court of quarter sessions to decide upon such objections, and whether any and what alterations shall be made therein, and further direct the said plan, with their adjudication thereupon, to be recorded or filed in the office of the clerk of the said court, which survey and wharf lines shall thereupon be and remain unalterable.

Surveyors, powers of.

SECTION 2. That it shall and may be lawful for the surveyors aforesaid, and they are hereby authorized and empowered, from time to time, as they shall see fit, to execute and perform the duties and powers enjoined in the foregoing section, in such parts and to such extent as to them shall seem convenient and necessary; and the plan or plans of any such part or parts of the survey of the said river, being from time made returned, and in all respects proceeded upon in the manner prescribed by the first section of this act, shall, with respect to the part or parts therein comprehended, have the same force and effect as if one general plan had been made, returned and proceeded on as aforesaid; and no wharf or wharves shall at any time thereafter be extended further into the said river Schuylkill, than the wharf line so designated; *Provided*, That nothing herein contained shall be construed to give authority to any person or persons to erect wharves or piers, extending out as far as the said wharf lines so fixed and determined, without license from the board of wardens as heretofore.

Enter upon lands.

SECTION 3. That for the purpose of making the said surveys and soundings, the said surveyors, or either of them, shall have full power and authority, with or without their or his assistant or assistants, to enter upon the land of any person or persons adjoining or near to the said river Schuylkill, as they may find necessary or convenient; and all expenses of making the said surveys, plans and reports, shall be paid by the commissioners of the county of Philadelphia.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 276.

AN ACT

To authorize the collection of road taxes in Conemaugh township, Indiana county, in money; relative to hawkers and peddlers in the counties of Armstrong, Indiana, Bedford and Cambria; to the erection of a bridge in Cumberland county; to authorize the Pennsylvania railroad to construct a lateral road in the county of Indiana; and extending certain road laws in Susquehanna county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of Conemaugh township, in the county of Indiana, and their successors in office, be and they are hereby authorized to levy and collect the one-half part of the road tax of said township for the year one thousand eight hundred and fifty, in money, for the purpose of raising a fund to build a bridge across Blacklegs creek, in said township; and the said supervisors are hereby further authorized, if they shall think necessary, to subscribe on behalf of said township, a sum of money towards building of said bridge.

Supervisors of Conemaugh township, Indiana county, authorized to levy and collect certain tax. Object.

SECTION 2. That no person shall engage or be concerned in the business of hawking or peddling from town to town, in the counties of Armstrong, Indiana and Cambria, any foreign or domestic goods, made up clothing, dry goods, or drugs and medicines, without first obtaining a license so to do, and paying therefor to the treasurers of said counties respectively, for the use of the commonwealth, the sum of thirty dollars; which license the treasurers of said counties are hereby authorized to grant within their respective counties, upon the payment of the said sum.

Hawkers and peddlers in the counties of Armstrong, Indiana and Cambria, relative to.

SECTION 3. That if any person shall so engage, or be concerned in hawking and peddling, as aforesaid, within said counties, without having first obtained a license as aforesaid, he shall forfeit and pay the sum of fifty dollars, the one-half for the use of the commonwealth, and the other half for the use of the person who shall prosecute for the same; the said penalty to be recovered by action of debt, before any justice of the peace, as debts of like amount are by law recoverable; and every repetition of said offence shall be considered and punished as a new offence; and every person so employed, who, upon demand, shall refuse to exhibit his license, shall forfeit and pay the sum of twenty dollars, to be recovered in the same manner and for the same uses as aforesaid.

Penalties for violation of said section.

SECTION 4. That the Pennsylvania railroad company be and is hereby authorized to construct a lateral railroad from a point at or near Liebengood's summit, on the said Pennsylvania railroad, in Derry township, Westmoreland county, to a point at or near the borough of Blairsville, in the county of Indiana, subject to the provisions contained in the act of assembly incorporating said company, and the various supplements thereto.

Pennsylvania railroad company authorized to construct a lateral railroad.

SECTION 5. That the burgess and council of the said borough of Blairsville, be and they are hereby authorized to borrow a sum or sums of money on the credit of the said borough, not exceeding in the aggregate the sum of twenty thousand dollars, to be applied to the construction of the lateral railroad aforesaid: *Provided however,* That the said burgess and council shall first be satisfied that the said loan, together

Borough of Blairsville authorized to borrow money.

Object.

with other means to be relied on, will secure the construction of the said lateral road. That the first, second, third, fourth, fifth, sixth, seventh and eighth sections of the act, entitled "An Act to alter the road laws in the township of Lenox, in the county of Susquehanna, and for other purposes," passed the third day of March, one thousand eight hundred and forty-seven, be and the same is hereby extended to the township of Gibson, in said county.

Hawkers and pedlers in Bedford county, relative to.

SECTION 6. That hereafter no person or persons shall sell or expose to sale within the county of Bedford, as a hawker, pedler, or traveling merchant, any tin wares, unless the same be manufactured in said county, under the penalty of ten dollars for each and every offence; which penalty shall be recovered as other debts are by law recoverable, one-half to be paid to the informer, and the other half to the county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 277.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Harrisburg gas company," passed the twenty-eighth day of March, Anno Domini, one thousand eight hundred and forty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if the governor should be satisfied that the Harrisburg gas company cannot afford to furnish gas for the purposes mentioned in the thirteenth and fourteenth sections of the act to which this is a supplement, at the prices mentioned in the said fourteenth section, it shall and may be lawful for him to contract for the same at an additional price: *Provided,* The price for the same shall not exceed three dollars and fifty cents per thousand cubic feet, subject to the limitation or to time mentioned in the said fourteenth section: *And provided,* That the commonwealth shall not pay a greater price for the gas used under the provisions of the aforesaid sections, or for any other purpose, than the rates the said company shall charge individuals therefor.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 278.

AN ACT

To incorporate the Odd Fellows hall association of the borough of Mifflintown, Juniata county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Everard Oles, J. W. Aitken, John S. Miller, W. W. Wilson, Noah A. Elder, H. H. Murphy, John P. Wharton, Samuel E. Hench, B. F. Kepner, Samuel M'Williams, Caleb Parker, Samuel Davis, Michael Funk, Thomas B. Ceder, Tobias Kreider, Hiram Knox, William Colen, David Duchman, David Kepner, Benjamin Stunnel, George Goshen, George W. Frow, Joseph Kessler, Robert Burchfield, Benjamin Akely, David Brickly, Jacob W. Conner, George Duchman, John Wise, George W. Stroup, Charles Marten, Charles Cornelison, Thomas P. Kirk, George Koons, Alexander Croyin, John Shappbell, Smith Debray, Thomas Adams, Franklin Kirk, John B. Henderson and Peter Reed, and their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby created and erected into a body corporate and politic in deed and in law, by the name, style and title of "The Odd Fellows hall association of the borough of Mifflintown, and county of Juniata," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in any court of law or equity, and to take and hold to them and their successors, either by grant, gift, devise or lease, any lands or real estate for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and hold for the use of said association, any goods or chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest from any person or persons whatsoever capable of making the same; and the same at their pleasure to grant, bargain and sell for the use of said association, and generally to do all and singular the matters and things which it shall be lawful for them to do for the well being and due management of the said association: *Provided*, That the real estate of which the said incorporation shall be at any one time possessed, shall not exceed the clear yearly value of three thousand dollars. Corporators. Privileges. Proviso.

SECTION 2. The persons hereinbefore named are hereby appointed commissioners, to do and perform the several acts and things hereinafter mentioned; that is to say, they or such of them as shall act in the premises, being not less than five, shall as soon as conveniently may be and within three months next after the passage of this act, procure and open a suitable book or books, at such time and place as they may designate, in the borough of Mifflintown, of which time and place at least fourteen days' previous public notice shall be given in one or more newspapers published in the borough of Mifflintown, in which book or books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees and company of the Odd Fellows hall association of the borough of Mifflintown, and county of Juniata, the sum of five dollars for each and every share of stock set opposite to our respective names, in such manner and proportions and Open books. Form of subscription.

at such times as shall be determined by the trustees of said association.

Witness our hands and seals the day of

Anno Domini, one thousand eight hundred and fifty ;” and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners by themselves or by committees to be by them appointed, shall attend for the purpose of opening the books to receive subscriptions for stock ; and the said books shall be kept open at least eight hours on such day, at the time and place designated in the public notices, to be given as aforesaid ; and in case two hundred shares of stock, it being the capital stock to be issued by said association, be not all sold on the day of the first opening of the books, the number remaining unsold may afterwards be disposed of, at such time and place and under such regulations as the trustees for the time being may order : *Provided*, That no subscription for such stock shall be valid unless the party or parties making the same, shall at the time of subscribing, pay to the said commissioners, or to committees by them appointed, one dollar on each and every share for the use of the association.

Organization.

SECTION 3. The said commissioners, or at least five of them, acting in the premises as aforesaid, shall, as soon as conveniently may be after one hundred shares of the stock are subscribed, appoint a time and place for the subscribers to meet in order to organize the said association, and shall give at least fourteen days’ previous public notice thereof, in one or more newspapers of the borough of Mifflintown aforesaid ; and the subscribers, when met, shall by ballot elect, by a majority of the voters present, three trustees, residents of said borough and citizens of said county, to conduct and manage the affairs and business of said association, until the first Friday in January of the next following year, and until others are chosen, and shall annually thereafter, at such time and place as the by-laws of said association shall provide, elect three trustees as aforesaid ; and the three commissioners first named, shall be the judges of the election of said trustees ; and the judges of all future elections shall be appointed by the trustees for the time being, and notice of such elections shall be given in such manner as the by-laws shall provide.

Object.

SECTION 4. The object of said association shall be to provide, erect and furnish a hall, or suitable building or buildings, in the borough of Mifflintown, for the accommodation of the lodge of the Independent Order of Odd Fellows, established there, for other beneficial societies, and suitable also for a room to be used for a town library, or other public purposes.

Seal.

SECTION 5. It shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew as they shall think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purpose of the corporation hereby constituted, and as herein expressed.

Trustees, powers of.

SECTION 6. The trustees for the time being, or a majority of them, shall have power to carry out the objects of the association as hereinbefore expressed ; to conduct and execute the business and affairs of said association ; to provide for the investment of the funds of the association, in such manner as they shall deem most safe and beneficial ; to provide for paying all the necessary expenses of conducting the affairs of said association ; to give bond with security for the faithful paying over to the treasurer such funds of said association as may come into their hands, such bond and security to be approved of by a majority of the members present, at any regular meeting of said association, and generally to pass all such by-laws as shall be necessary to the exercise

of their duties aforesaid, as trustees of said association, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the constitution and laws of this commonwealth, or of the United States.

SECTION 7. It shall be the duty of the trustees, at least once in every year, to wit, on the first Friday of January thereof, to appoint from the members of said association, three competent persons as a committee of examination, whose duty it shall be to examine the financial and other affairs of said association, and to make report thereof on the second Friday of said month to the trustees, whose duty it shall be to lay the same before the association at its next stated meeting ensuing: it shall also be the duty of the trustees, on the third Fridays of January and July, in each and every year, to make and declare a dividend of the interest and profits of said association, after paying its expenses, and the same to pay over to the stockholders, or their legal representatives, within thirty days thereafter: *Provided*, That the dividend so paid shall in no case exceed six per cent. per annum to said stockholders. Duties.

SECTION 8. It shall be the duty of the trustees, on the third Fridays of January and July, in each and every year, after paying the dividends provided for in the foregoing section, and after having appropriated so much of the funds as in their discretion will be necessary for defraying the ordinary expenses of the association for the ensuing six months, to apply all the remaining funds on hand to a pro rata cancellation of the shares of stock then in the hands of the stockholders; said remaining funds to be considered as a semi annual sinking fund for the redemption of said shares of capital stock. Application of remaining funds.

SECTION 9. The legislature hereby reserves the right to alter or amend the charter hereby granted, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators. Reservation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 279.

AN ACT

To authorize the guardian of William and Ellen W. Penrose to confirm the title of real estate; and relative to real estate of Edwin Shippen Burd, James C. Fisher, Robert Blackwell and Ephraim Clark, deceased; and authorizing the directors of the poor of York county to sell and convey certain real estate.

Preamble.

WHEREAS, Abby N. Penrose, late of the city of Philadelphia, deceased, by her last will and testament, devised her real estate to her brother Norwood Penrose, to be appropriated according to her verbal instructions to him, for the fulfilment of which he alone should be responsible; and the said Norwood Penrose, having received no verbal instructions, and believing that such were the intentions of said decedent, conveyed the real estate so devised to him, to John J. White, in trust, to sell the same and distribute the proceeds thereof among the heirs of the said Abby N. Penrose, as if she had died intestate:

And whereas, The said John J. White has conveyed the said real estate, but doubts have arisen whether sufficient power existed to authorize such sale and conveyance; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Rebecca W. Penrose, guardian, or any guardian for the time being of William Penrose and Ellen W. Penrose, minors and heirs of said Abby N. Penrose, be and is hereby authorized and empowered to confirm the sales so made by the said John J. White, and convey to the purchaser of said real estate by such deeds or instruments of writing as may be necessary, all the estate, right, title and interest of the said minors therein: *Provided*, That the said guardian shall first have given bond with surety approved by the orphans' court of the city and county of Philadelphia, for the faithful applications of the proceeds.

Guardian of
minor children of
Abby N. Pen-
rose, authorized
to confirm cer-
tain sales.

Executors of the
last will and
codicil of Ed-
ward Shippen
Burd, authorized
to sell certain
real estate.

SECTION 2. That Eliza Howard Burd, Eli K. Price and Joseph B. Townsend, executors of the last will and codicil of Edwin Shippen Burd, esquire, deceased, or the survivors or survivor of them, be and they are hereby authorized, whenever they, he or she shall think it for the best interest of the parties interested, to sell and convey to any purchaser or purchasers in fee simple, the farm and county seat, in Montgomery county, Pennsylvania, which belonged to said decedent, and mentioned in the endorsed codicil to his will; and such sale, though made before the decease of those parties whose death, according to the terms of said will and codicil is to precede the exercise of the power of sale, shall be of the same validity as if made after the decease of such parties: *Provided*, That it shall be the duty of the purchaser or purchasers to see the purchase money as paid, invested by the said executors, or the survivors or survivor of them, in the loans of the United States or of the city of Philadelphia, or in both, upon the trusts of the will relating to said real estate and its proceeds; and the same being so invested, such purchaser or purchasers shall be no further responsible therefor.

Preamble.

SECTION 3. WHEREAS, James C. Fisher, late of the city of Philadelphia, by his last will and testament, dated the twenty-third day of

February, A. D., one thousand eight hundred and thirty-nine, duly proveyed, &c., did devise and bequeath all the residue of his estate, real and personal, to and among his grand-children, their heirs, executors, administrators and assigns, in equal shares, and did direct that on the arrival of the youngest of his grand-children at the age of twenty-one years, his said estate, real and personal, subject to certain provisions in the said will contained, shall be divided among them in the manner therein directed; and the said testator further provided, that the shares and proportions of his grand-daughters shall vest in and be held by his grand-sons James C. Fisher, Jr., and Samuel F. Fisher, and the survivor of them, and the heirs, &c., of the survivor, in trust for the separate use of his said grand-daughters respectively, during their natural lives, and upon their respective deaths, in trust for their respective heirs, &c., with a power of appointment for each by will:

And whereas. A part of the real estate apportioned in pursuance of the said will to the said grand-daughters respectively, consists of vacant and unproductive ground, and the interests of all parties, present and contingent, will be promoted by a grant of power to the trustees to sell the real estate devised to the said grand-daughters; therefore, that the trustees and trustee for the time being of the shares and portions of the real estate of the said James C. Fisher, which may be allotted in pursuance of his will to his grand-daughters respectively, be and they are hereby authorized and empowered, on the request and direction of the respective grand-daughter, to be testified by her joining in the necessary conveyances, to sell and dispose of either at public or private sale, and either absolutely or on ground rent, all or any part of the real estate so allotted or apportioned, or to be allotted or apportioned to her; and to execute all proper and necessary deeds to the purchaser thereof in fee simple or otherwise, free and clear from the trust contained in the said will: *Provided,* That all ground rents which may be reserved upon such conveyances, shall be limited upon the same trusts and with the same powers, as are declared in and by the said will in respect to the said grand-daughters, and may be made redeemable upon the terms and within the time usual in such conveyances in the city and county of Philadelphia: *And provided further,* That the power hereby granted shall not be exercised in any case, until the trustees or trustee, as the case may be, shall have given security to the commonwealth, to be approved of by the judges of the court of common pleas for the city and county of Philadelphia, conditioned for the faithful investment and appropriation of the proceeds of such sale, or of the principal of any ground rent that may be paid off as the case may be, in such stocks or securities as may be approved of by the said court: *And provided further.* That no purchaser from such trustees, and no grantee from them on ground rent, shall be bound in any case to look to the application or investment of the money paid by him to such trustees or trustee, as the case may be.

Trustees of the estate of James C. Fisher, authorized to sell certain real estate

Proviso.

SECTION 4. That James S. Smith and Henry Hollingsworth, ex-Executors and trustees named in the last will and testament of Robert Blackwell, late of the city of Philadelphia, deceased, be and they are hereby authorized to sell, by public or private sale, or let on ground rent, the whole or any part or parts of two certain lots of ground, as follows, viz: one of them situate on the north side of Chesnut street, between Schuylkill and Fifth and Sixth streets, in the city of Philadelphia, beginning at the distance of two hundred and fifty-three feet westward from the west side of the said Schuylkill Sixth street, and containing in front on the said Chesnut street twenty feet, and in depth northward one hundred and twenty feet, to an eighteen feet wide alley,

Executors and trustees named in the last will of Robert Blackwell, deceased, authorized to sell certain real estate.

which communicates westwardly with a twelve feet wide alley leading into Schuylkill Fifth street, and eastwardly with another twelve feet wide alley leading into the said Schuylkill Sixth street; and the other lot of ground, together with the messuage or tenement thereon erected, being situate on the north side of Pine street, number fifty-seven, between Delaware Second and Third streets, in the said city of Philadelphia, containing in breadth, east and west, about thirty feet, and in depth eighty feet, be the same more or less: *Provided*, That before the said executors and trustees shall execute any deed for the property so authorized to be sold, they shall give security in the orphans' court for the city and county of Philadelphia, in such manner and in such sum as the said court shall order and direct, for the faithful execution of the power hereby committed to them, and for the proper and faithful application of the proceeds of the sale of the real estate hereby authorized to be sold.

Proviso.

Trustees under the will of Ephraim Clark, authorized to make and execute exchanges, &c.

SECTION 5. That the trustees under the will of Ephraim Clark, deceased, and their successors in said trust, in addition to the powers already vested in them, shall be and they are hereby authorized and empowered to make, execute and consummate any exchange or exchanges which they may deem expedient, of any part of the said premises, for any piece or pieces of land adjoining or adjacent thereto, for the purpose of straightening or completing the lines of the said premises, with reference to street or other improvements, and to convey a good and valid estate in fee, in such part or parts of said premises, freed and discharged from the trusts in the said will: *Provided*, The piece and pieces of land so received in exchange, shall be held by the said trustees, for the same uses and purposes as are set forth in the will of the said Ephraim Clark, deceased, concerning the said premises, and shall also be subject to the powers and authorities vested in said trustees by said will, and by this act and the act to which this is a supplement; and all sales heretofore made under the authority of said act in the nature of exchange, are hereby ratified and confirmed, as fully and clearly as if said authority were therein given in express terms.

Construction of certain act to which this is a supplement.

SECTION 6. That the said act to which this is a supplement shall be deemed, taken and construed to vest in said trustees and their successors in said trust, full authority and power to sell and dispose of the said tract of land in the Northern Liberties, in the county of Philadelphia, in such lots and of such a size each as to them may seem most expedient, and either in fee simple or reserving a ground rent out of each of said lots, equivalent to the whole or part of the consideration money: *Provided*, That such sale or sales shall be subject to all and every the clauses and conditions contained in the second section of the act to which this is a supplement.

Directors of the poor, York county, authorized to sell certain real estate.

SECTION 7. That the directors of the poor and of the house of employment for the county of York, be and they are hereby authorized and empowered to sell and convey in fee simple, for such prices and upon such terms and conditions as the said directors of the poor and of the house of employment for the county of York, may deem most advantageous to the public, such part of the land belonging to the said institution, and to execute good and sufficient deeds for the same; the purchase money thereof to be paid into the treasury of the said institution.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 280.

A SUPPLEMENT

To the act of assembly approved March seventeen, Anno Domini, one thousand eight hundred and forty-five, incorporating the Springhouse and Sumneytown turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the president and managers of the Springhouse and Sumneytown turnpike road company, or their toll-gatherers, to demand and receive at their respective gates on the said road, the following rates of toll on each and every mile of the travel on the road, or in proportion for a less distance, to wit: For every score of cattle, one and a half cents; for every score of swine or sheep, one cent; for every saddle or led horse, one cent; for every drove horse, half a cent; for every horse drawing a stage for the conveyance of passengers for hire, one and a half cents; for every other wheeled vehicle, the breadth of the wheels of which is less than four inches, one cent for every horse drawing the same; for every horse drawing a vehicle, the breadth of the wheels of which is four inches, or over, half a cent; for every horse drawing a sleigh or sled, half a cent; every mule or ox to be rated the same as a horse; and that in all cases where the travel on fractional portions of the road the toll would not amount to a half cent at the respective gates, that it shall be lawful for the toll-gatherers to demand and receive half a cent.

Rates of toll on the Springhouse and Sumneytown turnpike road, regulated.

SECTION 2. That so much of the thirteenth section of the aforesaid Repeal. act of assembly as is hereby altered or supplied, be repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 281.

AN ACT

To incorporate the Mansfield plank road company ; and relative to a school district in Huntingdon county.

Commissioners.	<i>SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That</i> William B. Clymer, William Bache, Chester Robinson, George M'Loud, A. E. Nills, B. M. Bailey, Benjamin Gitchell, James Lowry, R. G. White, John Brownell, Joseph P. Morris, James R. Wilson, Daniel L. Sherwood, James S. Osgood, Benjamin Gitchell, William S. Ingalls, Peter V. Vaness, Royal Rose, J. S. Hoard, Benjamin B. Smith and Stephen F. Wilson, or any five of them, be and the same are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The Mansfield plank road company," to locate and construct a plank road on the bed of the present public road or otherwise, as said company may direct, from Mansfield to Wellsboro', in the county of Tioga, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplement thereto, as far as they are not inconsistent with this and the following sections.
Style.	
Location.	
Subject to provisions of certain act.	
Capital stock.	<i>SECTION 2. The capital stock of said company shall consist of one thousand shares of twenty-five dollars per share : Provided, Said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.</i>
Said company authorized to extend their road.	<i>SECTION 3. That said company are hereby authorized to extend the said plank road from Mansfield through the townships of Rutland and Jackson, in the county of Tioga, and the township of Wells, in the county of Bradford, to the state line near Shephard's Corners : and to increase the capital stock of said company as may become necessary to construct the same in the manner provided in the second section of this act.</i>
Commencement and completion of road.	<i>SECTION 4. That if said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same.</i>
Graysport school district, Huntingdon county, erected.	<i>SECTION 5. That the territory embraced within the following boundaries, to wit : beginning at the Juniata river, on the line between Porter and Morris townships, running through the lands of Joseph Green and others, to the line between the lands of John Davis and Benjamin Sprankle ; thence to the line between the lands of Benjamin Sprankle and Jesse Moore ; thence by line between lands of Michael Fetterhoof and John Tussey ; thence by line between lands of Michael Low and Robert Tussey ; thence by line between lands of Samuel P. Wallace and the heirs of James Law ; thence crossing the river ; thence by line between lands of Dr. A. M'Pherrin and John Walters ; thence by lines</i>

between lands of John S. Isett and A. and D. Wright ; thence by line between lands of John S. Isett and John Elerts, and Shub, Stewart and company, and to the place of beginning; including lands of Benjamin Sprankle, Michael Fetterhoof, George Hickle, Michael Low, Dr. A. M'Pherrin, Jeremiah Wagoner, John S. Isett, and the town of Graysport, being parts of the townships of Franklin and Morris, in the county of Huntingdon, is hereby erected into a separate school district, to be called Graysport.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 282.

A SUPPLEMENT

To an act incorporating the Western insurance company of the city of Pittsburg, in the county of Allegheny, passed the twentieth of March, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the company incorporated by the act to which this is a supplement, be and they are hereby authorized to receive deposits of money, and pay any rate of interest on the same not exceeding six per cent. per annum, as the directors may determine. Additional powers granted to the Western insurance company.

SECTION 2. That said corporation shall, whenever required so to do, issue certificates for all money deposited with them, in trust, which certificates shall be transferable on the books of the institution, under such regulations as may be prescribed by the president and directors. Certificates of moneys deposited. Transferable.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 283.

A N A C T

Authorizing the location of a state road from Lycoming creek, by way of Sullivan county, to the North Branch of the Susquehanna; and relating to supervisors in Pike county; to incorporate the Northampton and Bucks plank road company; to lay out a state road from Merwinsburg to Conyngham.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. Isaiah Bartley, of Sullivan county, Elmor Horton, of Bradford county, and Charles D. Eldred, of Lycoming county, be and they are hereby Location of state road. appointed commissioners to view, lay out and mark a state road, beginning at the state road leading from Williamsport, in Lycoming county, to Canton, in Bradford county, as near the source of the Lycoming creek as the formation of the country for the laying out of an easy road will admit; thence by the most practicable and suitable route by way of Fox, Elkland and Cherry townships, to the Little Loyalsock creek, at or near the seat of justice of Sullivan county; thence by way of William Colley's saw mill, in the township of Colley; and thence to a school house in the township of Asylum, near the house of Thomas Ingham, in Bradford county, on the North Branch of the Susquehanna river; and in case of resignation or refusal to act by either of the said commissioners, it shall be the duty of the judges of the court of quarter sessions of the county in which the commissioners resigning or refusing to act reside, to appoint a substitute.

SECTION 2. It shall be the duty of the said commissioners to meet at Meeting of com- the house of Thomas S. Davis, at Ralston, in Lycoming county, on missioners. the first Wednesday in June next, or earlier, if they shall so determine, To take oath. and after having made oath before some officer authorized to administer the same faithfully and honestly to discharge the duties enjoined upon them by this act, to proceed to view the ground over which the proposed road is to pass, and to lay out the said road upon the best and most practicable route, having regard to public accommodation, the crossing of streams, the damage to private property, and the nature of the ground, so that a good road may be had; and it shall be the duty of the said commissioners to plainly and carefully mark the route agreed upon.

SECTION 3. The commissioners herein named shall receive a per diem Pay of commis- allowance of one dollar and fifty cents for each day they shall be neces- sioners. sarily employed in performing the duties under this act; and they are authorized to employ two chain-carriers and one axeman at one dollar and twenty-five cents each per day.

SECTION 4. The said commissioners shall, on or before the first day Drafts. of January next, make out four drafts of said road as located, whereon shall be noted the courses and distances, the crossings of county and township lines, and the crossings of streams, one of which shall be forwarded by mail to the secretary of the commonwealth, to be filed in his office as a matter of record, and one shall be filed in the office of the clerk of the court of quarter sessions in the respective counties through To be filed. which the road may pass; and from the time of such filing as last

stated, the said road shall be to all intents and purposes a public highway, and shall be opened and repaired as hereinafter provided.

SECTION 5. That the accounts of the said commissioners for their own pay, and the pay of those directed to be employed by them under this act, shall be adjusted by the county commissioners of the counties through which the road may pass, and paid out of the treasuries of the same, according to the time actually spent in locating the said road, and performing the other duties required by this act within the said respective counties.

Accounts.

SECTION 6. That it shall be the duty of the supervisors and road commissioners of the several townships through which the road authorized to be laid out by the foregoing sections of this act shall pass, to proceed to open said road in the same manner as is now provided by the existing laws of this commonwealth, relative to roads and bridges.

Supervisors and road commissioners, duties of.

SECTION 7. That the commissioners appointed by this act shall have power to vacate any road or part thereof, which may be rendered useless by the location of the road hereby authorized; and shall also have the power to change the location of any part of the road now in use between the points mentioned in this act.

Power to vacate.

SECTION 8. That it shall be the duty of the supervisors of the roads in the township of Lehman and Delaware, in the county of Pike, respectively, to expend one-third of the road taxes assessed upon the unseated lands in said townships respectively, for the last three years, and yet remaining unpaid, to said supervisors, in making and repairing so much of the state road from near Henry Peters', at Bushkiln, to Rudolphus Bingham's, as lies between the east side of Little Bushkiln, or Emanuel creek, and the west side of Big Bushkiln, near the mouth of the Rocky Hill branch, under the penalty of prosecution and conviction for a misdemeanor in neglecting to perform the duties of their office, as now provided by law.

Supervisors of Lehman and Delaware townships, Pike county, duties of.

SECTION 9. That Washington M'Cartney, Jacob G. Raub, Peter S. Michler, John Bachman, Theodore R. Sigreaves, John Davis, John Conner, Peter Bellis, Luther Calvin and William L. Sebring, of Northampton county; and John H. Johnson, William Bennet and John Fackentahl, of Bucks county, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Northampton and Bucks plank road company," with power to construct a plank or M'Adamized road, commencing at the Lehigh bridge at Easton, Northampton county, to the Gallows run, at or near the river Delaware, in Bucks county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 10. That the capital stock of said company shall consist of two thousand and four hundred shares, of twenty-five dollars each.

Capital stock.

SECTION 11. That if the said company shall not commence the construction of their road within two years, and complete the same within five years, then this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

Commencement and completion of road.

SECTION 12. That John Merwine, of Monroe county, Abraham Ripple, of Luzerne county, and Isaac Gould, of Carbon county, be and they are hereby appointed commissioners to view and lay out a road from Easton and Wilkesbarre turnpike, at or near Merwinsburg, in Monroe county, by Gouldsport, to Conyngham, in Luzerne county.

Commissioners.

Location of State road.

Duties. SECTION 13. It shall be the duty of the said board commissioners, or a majority of them, after taking or subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act with fidelity, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight line from point to point as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees, excepting only at the crossing of ravines and streams, when by a moderate filling or bridging the declination of the said road, it may be preserved within that limit.

Mark the ground. SECTION 14. That it shall be the duty of the said commissioners plainly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one surveyor at a per diem allowance of two dollars, and two chain-carriers and one axe-man, at a per diem allowance not exceeding one dollar; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents, for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed.

Drafts. SECTION 15. That it shall be the duty of the said board of commissioners to make out a fair and accurate draft of the location of said road, respectively noting thereon the courses and distances as they occur, the improvements passed through, and also, the crossing of township lines, roads and waters, with such other matters as may serve for explanation; one copy whereof to be deposited in the office of the secretary of the commonwealth, on or before the first day of February, Anno Domini, one thousand eight hundred and fifty one, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out, on the day aforesaid, or as much sooner as practicable; and said road shall, to all intents and purposes, be a public highway, and shall be opened to the breadth of thirty-three feet, and repaired in all respects as roads are opened and repaired which are laid out by order of the aforesaid.

To be filed. SECTION 16. That the accounts of said commissioners for their own pay, and the pay of the surveyor, chain-carriers and axe-man, &cetera, shall be made out and returned to the commissioners of such counties in which said road may be laid out, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way.

Accounts. SECTION 17. That the said commissioners shall meet on or before the first day of August next, or as soon thereafter as practicable, and complete the view of said road as soon as practicable; and if any vacancy or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duties.

Meeting of commissioners. J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 284.

AN ACT

Supplementary to an act, entitled "An Act to establish a uniform standard for the measurement of bituminous coal, and authorizing the appointment of a wood inspector in the borough of Lewistown;" to extend Hancock street, in the city of Pittsburg; and in relation to a tavern license in Mifflin county; and to incorporate the East Birmingham and Mount Oliver turnpike and plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That where disagreements arise between the seller and buyer of bituminous coal, in the county of Allegheny, as to the measure of good merchantable coal, put into the wagon, car or cart, at the mouth of the pit or at any of the wharves in the county of Allegheny, a standard of weight shall be established, of seventy six pounds avoirdupois to the bushel of merchantable coal.

Standard weight
of bituminous
coal, regulated.

SECTION 2. On the parties disagreeing as to the measure of coal, and consenting to have the load or loads weighed and taken to a properly adjusted scale, the weigh-master of said scale shall superintend the weighing of the suspected load, estimating the number of bushels by the standard weight of seventy-six pounds to the bushel; for which service he shall be entitled to the usual fee or fees charged for similar draughts, to be paid by the party in error, on the presentation of a certificate of weight by the said officer; the amount of said fee to be collected as debts of like amount are recoverable by law.

Weigh-master,
duties of.

SECTION 3. It is further enacted, that the owners of all wagons, cars and carts from which coal is sold and delivered, shall fill the same up to the brand or seal of the measurer, at the mouth of the pit, or at the wharves or river shores, in said county of Allegheny; and for every omission so to fill their wagons, cars and carts, and for every attempt to sell a larger quantity than was full measure, at the pit mouth or at the wharves, or river shores, the person offending shall forfeit the sum of ten dollars, which may be recovered, one moiety to the county and the other to the informer, on conviction before any alderman or justice of the peace.

Owners of wa-
gons, cars and
carts, to fill the
same up to the
brand or seal of
the measurer.

SECTION 4. No beds of wagons, cars or carts, except those from which coal is sold and delivered, shall require the sealer's mark, nor shall the standard of weight be applied where the coal stands in the bed up to the sealer's mark, at which it is proposed to sell: *Provided*, That the miner or miners using the car or cars to convey the coal from the pit to the platform, can at any time they suspect the measurement allowed to any car or cars, compel the employer or employers to have the same measured and branded by the sealer of weights and measures, under the penalties heretofore enacted for refusal to have the sealer's mark or brand placed on the cars, carts and wagons.

Beds of wagons,
cars and carts re-
quire the sealer's
mark.

SECTION 5. When a dispute arises in the county of Allegheny as to the quantity of coal discharged from any wagon, cart or other vehicle, the sealer of weights and measures is hereby directed to have the same measured with a standard bushel, containing two thousand six hundred and eighty-eight cubic inches, for which he shall be entitled to the

Sealer of weights
and measures of
Allegheny coun-
ty, duties of.

established fee, to be paid by the party in error; and for every refusal or neglect to superintend and have the same measured, he shall on conviction thereof, forfeit and pay the sum of ten dollars, which shall be recovered as debts of like amount are now recoverable, and paid into the county treasury.

Repeal.

SECTION 6. Any part or parts of acts with which this conflicts, are hereby altered and repealed.

Court of common pleas of Allegheny county authorized to appoint seven viewers for a certain street.

SECTION 7. That the court of common pleas of Allegheny county is hereby authorized, on petition for that purpose, to appoint seven disinterested citizens of said county as viewers, who are required to meet on five days' notice to them, and to all persons interested as owners of property proposed to be used or occupied by the extension of said street; and if said viewers, or not less than five of them, shall be in attendance, after being duly sworn or affirmed, shall proceed to view the ground over which it is proposed to extend Hancock street, in the city of Pittsburgh; and if the said viewers shall decide in favor of such extension, they shall proceed to locate the said Hancock street forty feet wide, (including Irvin's alley,) from Penn to Liberty streets, in said city; and said viewers shall also ascertain and determine what damage to private property is likely to be done by the extension of said street as aforesaid, and designate in their report the person or persons entitled to receive the amount demanded on account of said damage; if they shall be of opinion that the proposed increase of width of said street is expedient, they shall give notice to all persons interested in defraying the expense thereof, by ten days' notice in two daily papers of the city of Pittsburgh, of their meeting for that purpose; and at such meeting, said viewers shall further ascertain and determine what lots in the vicinity of said extension will probably be benefitted by the opening of said street, and divide and apportion, on equitable principles, the amount that each shall separately contribute to defray the damages incurred: *Provided however*, That a majority of said viewers shall be sufficient to decide any question that may arise; and if a sufficient number do not attend, they may adjourn from time to time; and on a refusal of any one or more to attend, the court may appoint others in his or their stead; and the said viewers shall make report, accompanied by a plot of the ground, to the said court, which report, if approved and confirmed by the court, shall be entered on record, and henceforth that part of Hancock street shall be deemed and taken to be a lawful public street: *And provided further*, That said street shall not be opened unless the said viewers shall ascertain, after a careful examination, that the benefits which will accrue to property in the vicinity of the said street, will be fully equal to the damages and costs which will be occasioned by the opening of the same.

Hancock street to be extended.

Damages, how adjusted.

SECTION 8. That as soon as the damages and costs so assessed shall be paid to the persons entitled thereto by said report, or into court, to abide its order of distribution, the prothonotary shall so certify to the court, and the court shall order said street to be opened.

Damages to be paid and street opened.

Liens.

SECTION 9. That the damages assessed as aforesaid, upon the lots reported to be benefitted by the opening of said street, shall be and continue to be a lien upon said lots until paid, and if not paid within six months after the approval by the said court, process may issue from said court in the nature of a writ or writs of scire facias, upon a mortgage in the name of the Commonwealth, for the use of the person or persons, or their legal representatives, entitled thereto, and may be prosecuted to trial, judgment and execution, for the amount of said damages, with interest and costs.

SECTION 10. That the expenses of viewing and assessing damages, and all other incidental matters not fully provided for in this act, shall be governed by the general road laws of the commonwealth. Certain expenses to be regulated by the general road laws.

SECTION 11. That the court of quarter sessions of Mifflin county are hereby empowered to hear and determine the application of James Turner, of Mifflin county, for tavern license in said county, as fully as though notice had been given of said application, in pursuance of the first section of an act relating to tavern licenses, passed March twenty-ninth, Anno Domini, one thousand eight hundred and forty-one. Tavern license, relative to the application of James Turner, of Mifflin county, for a.

SECTION 12. That John H. Page, E. Phillips, O. H. Ormsly, Jacob Hart, ——— Schofield, A. Hart, James Brice, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The East Birmingham and Mount Oliver turnpike and plank road company," with power to locate and construct a road from East Birmingham, in the county of Allegheny, starting near the intersection of Ormsly street, with Josephine street, or at some point on Josephine street more westerly; thence by the nearest and best route or routes to Mount Oliver, on Coal hill, as the stockholders may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the said thirteenth section, without reference to the width of wheels in any case. Commissioners.

SECTION 13. The capital stock of the company shall consist of one hundred and seventy shares, of twenty-five dollars each: *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock, if it be deemed necessary to carry out the true intent and meaning of this act. Style.

SECTION 14. That if this company shall not commence the construction of their road within three years after the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Location.

SECTION 15. That if this company shall not commence the construction of their road within three years after the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Subject to provisions of certain act.

SECTION 16. That if this company shall not commence the construction of their road within three years after the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Capital stock.

SECTION 17. That if this company shall not commence the construction of their road within three years after the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

WM. F. JOHNSTON.

No. 285.

AN ACT

For the relief of the creditors of the Tioga navigation company; and relative to the claim of William Roberts, an old soldier.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a new stock of the Tioga navigation company shall be created by a combination of the interests of the present holders of stock, loan and other claims against said company, in the following manner; that is to say, the nominal or par value of each share of stock shall continue to be as heretofore, fifty dollars; and for every one share of stock now existing, the holders shall be entitled to receive one share of new stock; shares of stock less than half paid up shall not be admitted, unless the owner or owners thereof shall, at the time of such combination and consolidation, under the notice hereinafter required to be given, pay in to the treasurer of said company a sum sufficient to make one-half of said share or shares; shares more than half paid up shall be counted at such less number as the payments would make of full stock; the holders of the first mortgage loan shall be entitled to receive one share of stock for every fifty dollars of the amount due upon said loan; holders of other mortgage debts, judgments or any other legal claim whatever, shall be entitled to receive one share of stock for each fifty dollars of the principal of such claim or debt, and where fractional parts of a share of stock may be due to any holder of stock or loan, such fraction shall be issued to such holder in the nearest tenth part of a share: *Provided*, That no dividend shall at any time be declared upon any such fractional part of a share: *Provided further*, That when stock or loan notes or other securities are held by any party as collateral security, the holder shall only be entitled to consolidate one class of claim at his option, and deliver up the other to be cancelled; and the stock resulting from such first mortgage or loan, shall be entitled to receive, as at present, the guaranty from the state so long as it shall be paid, and shall have, on the receipt of dividends, up to six per cent., a preference over all other stock of said company, except stock or loan to be issued as herein provided for the purpose of re-laying the road.

SECTION 2. It shall be the duty of the board of directors of the said Tioga navigation company, as soon after the passage of this act as may be, to open books and receive the subscriptions of such holders of loan, stock or other claims as may assent to the provisions of the same, which books shall be kept open for the space of not less than twenty days; after the expiration of which time the said directors shall call a meeting, whereof fifteen days' public notice shall be given in one weekly newspaper published respectively in the cities of New York and Philadelphia, and in Tioga county, Pennsylvania, of such holders of loan, stock and other claims as shall, in writing, have signified their assent as aforesaid, which meeting shall, by a majority of votes to be taken and counted as directed in section four of the original charter of this company, determine to carry out the provisions of this act, or to decline the same; and if said meeting shall resolve to decline the same, then the

New stock of the
Tioga navigation
company to be
created.

Proviso.

Proviso.

Open books.

said holders of loan, stock and other claims shall continue to possess respectively, all the rights which they now hold or are entitled to ; but if said meeting shall resolve to carry out the provisions of this act, then the said directors shall forthwith proceed to call in and receive the surrender of all existing certificates of stock, loan or other evidences of debt of such assenting holders, and to issue new shares of stock to the holders thereof, agreeably to the requisitions of the preceding section.

SECTION 3. That all holders of stock, loan or other claim who desire to retain their present rights and legal position, shall, on or before the first of June next, notify, in writing, the president of the company of their dissent to this act ; and all such holders of stock, loan or other claim, who shall fail to notify their dissent, shall be taken and considered to have assented thereto, as fully as if such assent had been given in writing. If any holder of stock, loan or other claim, who shall have assented in writing, or who shall have neglected to notify their dissent, shall neglect or refuse to deliver up his certificates or other evidences of debt, on or before the first of June next, it shall be the duty of the directors to prepare and execute the proper certificates of stock, for such person or persons in their names, or the names of their agents or representatives, as the said directors may be able to ascertain the same, and to file such certificates among the archives of the company, to be delivered to the proper owners whenever the old certificates of other evidences of debt shall be surrendered ; and from the time when such certificates shall be executed and filed, the endorsement of which shall be evidence of the fact, the said holders of stock, loan or other claim, so neglecting, shall forfeit all right whatsoever under their original claim, except as against non-assenters, as provided in section fifth of this act.

Holders of stock loan, &c., to give notice of their desire to retain their present rights.

SECTION 4. All persons holding loans or stock of this company, or any claims against the same, in any fiduciary capacity, or acting as agents or attorneys for persons residing out of the state, shall be by all the courts of this commonwealth, held to be fully justified by this act, in consenting to such compromise or consolidation, and in giving up their present certificates of loan or stock, or other evidences of indebtedness, and accepting certificates of new stock as heretofore provided for ; and if the cestui que trust or principal shall, at any time, seek to hold such trustees to any accountability for so doing, such trustees may give this act in evidence as a bar to such attempt.

Persons holding loans or stock in a fiduciary capacity held to be fully justified by this act in consenting, &c.

SECTION 5. That any holder of loans or claims against said company, who shall assent to the provisions of this act, shall, as against the non-assenting holders of loans or claims, notwithstanding the surrender of his certificates of loan or other evidences of debt, and the acceptance of certificates of new stock in lieu thereof, continue to be entitled to all the benefit and advantage and legal right that now belong to him, as fully as if such exchange of certificates or evidences of debt had not been made, and as fully as the non-assenting holders of loan or other claims are or may be, until all the holders of loan and other claims as aforesaid, shall have assented to this act ; and no such non-assenting holder of loan or claim shall, by any means be benefitted, or the position of his claim be improved by such agreement of those assenting to the provisions of this act, but in any judgment, order or decree of any court, made or given in favor of such non-assenting person, the proportion that his claim would have borne to the whole, and the position it would have occupied if none had assented thereto, shall be assigned to such non-assenting person ; and in case of suit by any of the non-assenting loan-holders or claimants, this company are hereby authorized to appear in court in behalf of all or any such assenting persons, and in their place and as their agents, to urge the claim of such assenting persons

Holder of loans or claims, relative to.

as fully as they in person could or might do, if no such assent had been given.

Notice to be
given to the
governor of the
acceptance of
this act.

Annual report.

SECTION 6. And it shall be the duty of the president of the company, under his oath or affirmation, on or before the first of January next, to notify the governor of this commonwealth, whether this act shall have been accepted or rejected, at the meeting called as directed in section second; and annually thereafter, on or before first of January in each year, to report to the governor the progress made in re-laying the track between Blossburg and the New York state line; and in case this act shall be accepted at such meeting aforesaid, the commonwealth of Pennsylvania, instead of being liable for and during the whole term of the guaranty, to pay the deficit of net revenue of the company, required to pay five per cent. interest on one hundred and fifty thousand dollars, according to the provisions of the act guarantying such payment of interest, passed the fourteenth day of April, one thousand eight hundred and thirty-five, shall pay as follows, to wit: each year seven thousand five hundred dollars, until said new track shall have been completed: *Provided*, Said completion shall not be longer deferred than to the first of January, one thousand eight hundred and fifty-four; and at the close of the first year after such completion, the commonwealth shall pay seven thousand dollars; at the close of the second year after such completion, six thousand dollars; at the close of the third year, four thousand five hundred dollars; at the close of the fourth year, two thousand five hundred dollars; and from and after such fourth year, the commonwealth shall be released from any further payment whatsoever; and any stock of the company that may be owned by the commonwealth, shall be delivered up to the company to be cancelled; and all the net revenue and income arising from the use of the road, from and after the completion of the said new track, may be pledged and applied as security for the payment of interest and principal, of money required to re-lay the road as provided in section eight; if the holders of stock, loan and other claims against this company shall refuse to accept this act, as provided in section second, then in that case the provisions of this act shall be null and void and of no effect: *And provided further*, That if it shall hereafter be discovered that the conditions upon which the commonwealth has guarantied the payment of the interest aforesaid, have been at any time violated, all further payments under the provisions of this act, or of the act, entitled "A supplement to the act, entitled 'An Act authorizing the governor to incorporate the Tioga navigation company,' passed fourteenth April, eighteen hundred and thirty-five," shall cease and determine, and the commonwealth shall be entitled to resume the stock surrendered to said company under the provisions of this act.

Increase of capital.

SECTION 7. And the said Tioga navigation company, after it shall thus be re-organized, shall have power to increase its capital by issuing new shares to such extent as may be authorized by a meeting of the stockholders called according to the charter; and it shall have power to borrow such sums as may by the directors be deemed necessary to enlarge or perfect the works, re-lay and improve the track or extend the same, as authorized by law, to secure the lenders by a mortgage upon the property and franchises of the corporation, in such manner that in case of a sale under such mortgage, the said franchises may pass to the purchasers as fully as they are now held by the company, or shall be under this act; and the directors of said company shall have power to give to the stock issued or loan created, for the purpose of re-laying the track, a preference in the payment of dividends not higher than seven (7) per cent. over all other stock whatsoever issued by said company.

SECTION 8. That in order to entitle the creditors and stockholders of the company to the benefit of this act, the president thereof shall cause the same to be published before the first day of May next, once a week, for three consecutive weeks, in one daily newspaper published in the city of Philadelphia, and in one weekly newspaper published in the county of Tioga, Pennsylvania; and in order to give actual notice to all parties in interest, shall transmit by mail a copy of this act addressed to each of the holders of stock, loan or other claim, or to their agent or attorney, as far as they can be ascertained from the books of the company, or the records of Tioga county.

Publication of
this act.

SECTION 9. That no loan of money or contract which may be made by any person or persons, to or with the Tioga navigation company, shall be deemed or taken to be usurious for or by reason of said company giving its bonds or other evidences of debt, for a greater sum than the sum actually lent them, but such loans and contracts shall be deemed and taken to be lawful and valid.

No loans to be
deemed usurious.

SECTION 10. From and after the accepting this law by the meeting aforesaid, the corporate name of this company shall be the Tioga railroad company.

Corporate name.

SECTION 11. That from and after the acceptance of this act in the manner herein provided, and the substitution and consolidation of the stock, loan and other claim, whenever the said company, by themselves or by any agents, trustees or attorneys, shall proceed to re-lay their road between Blossburg and the New York state line, all iron, timber and other materials, tools, engines, cars and other personal property whatsoever, applied or used, or intended to be applied or used in re-laying said track, or the management of business upon the same, shall be exempt from levy and execution for any debts heretofore contracted by said company: *Provided*, That nothing contained in this section, shall be construed to affect the right of the creditors of the company to levy and sell personal property now held by the company.

Materials, &c.,
exempt from levy
and execution.

Proviso.

WHEREAS, William Roberts, now of the county of Perry, served as a private in the last war with Great Britain for the period of seven months and ten days, in the year one thousand eight hundred and thirteen, in the company of captain Rodgers, and regiment of colonel Hill, Pennsylvania militia, and while thus mustered and marched in defence of his country to the town of Erie, he the said Roberts, volunteered his services, and was marched across the lines into Canada, and that he never received any bounty or extra pay for his services:

Preamble.

And whereas, The act of assembly passed the twelfth day of December, Anno Domini one thousand eight hundred and twelve, appropriated to each private soldier who thus volunteered, a bounty of ten dollars; and also, by resolution of the same session, the sum of two dollars per month extra pay during the time he shall have served; therefore,

SECTION 12. That the auditor general be and he is hereby authorized and directed to issue a warrant, directing the state treasurer to pay William Roberts the sum of twenty-four dollars and sixty-six cents, with interest, from the year one thousand eight hundred and thirteen, out of any moneys in the treasury not otherwise appropriated.

William Roberts,
payment to.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, A. D. one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 286.

AN ACT

To declare the width of South street, in the borough of Carlisle, Cumberland county; and a supplement to the act incorporating the Cumberland Valley mutual protection company, of Dickinson township.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the width of South street, in the borough of Carlisle, shall be sixty feet as laid down in the plan of the borough; and that the width of that portion of the street running along the grave yard wall, in said borough, shall be sixty feet measured from said wall; and that the remainder of said street from the grave yard wall to Fort spring, shall be of the same width as the rest of South street, but shall be so regulated as not to interfere with the present limits of the lots on that portion of the street: *Provided,* A street sixty feet in width can be obtained without so interfering.

Width of South street, Carlisle, fixed.

Cumberland Valley mutual protection company.

SECTION 2. That the board of managers of the Cumberland Valley mutual protection company, of Dickinson township, shall have authority from and after the passage of this act, to appoint collectors whenever it may be necessary to collect the assessments that may be made on the premium notes of said company, and to fix the percentage they shall have for collecting the same; and the said collectors shall each give bond to the treasurer of said company, with good security, for the payment of all moneys so collected by them, to the treasurer of said company as soon as collected, and for the faithful performance of all duties that may be imposed upon him.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 287.

AN ACT

Relative to public roads in Monroe and Mercer counties; to repeal an act therein mentioned; and relative to the Somerset and Conemaugh, and Somerset and Cumberland turnpike road company; and relative to the fees of aldermen in the cities of Pittsburg and Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act of assembly approved the sixth day of April, one thousand eight hundred and forty-three, to change the manner of assessing damages sustained by owners of lands in the opening of public roads in the counties of Washington, Mercer and Fayette, be and the same is hereby extended to the county of Monroe. Provisions of certain act extended to Monroe county.

SECTION 2. That the nineteenth section of an act, entitled "An Act authorizing certain state roads," approved the eighth day of April, one thousand eight hundred and forty-eight, and all the provisions thereof, be and the same is hereby repealed. Repeal.

SECTION 3. That the provisions of an act, entitled "A further supplement to the act, entitled 'An Act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite Harrisburg, to Pittsburg,' and to the several supplements thereto, making Stoystown a point in lieu of Somerset, and granting a charter to the president and managers and company of the Bedford and Stoystown turnpike road company," approved the twenty-eighth day of March, one thousand eight hundred and forty-eight, be hereby extended to the Somerset and Conemaugh, and Somerset and Cumberland turnpike road companies. Provisions of certain act extended to the Somerset and Conemaugh and Somerset and Cumberland turnpike road company.

SECTION 4. That the tenth and eleventh sections of the act, entitled "An Act to alter and amend the fee bill," passed the twenty-second day of February, eighteen hundred and twenty-one, are hereby repealed, so far as they affect the aldermen of the cities of Pittsburg and Allegheny; and that the fourteenth and fifteenth sections of the act of the twenty-eighth day of March, eighteen hundred and fourteen, entitled "An Act establishing a fee bill," be and the same are hereby revived, so far as they relate to the said cities. Aldermen of the cities of Pittsburg and Allegheny, relative to fees of.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 288.

AN ACT

Relative to the Upper ward, Germantown, and to the boundary line of the district of Kensington, in the county of Philadelphia; and declaring the Oswayo creek, in the county of Potter, a public highway.

Owners of real estate in Upper ward, Germantown, to grade or pave side-walks, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same.* That if any owner or owners of real estate situated in the Upper ward, Germantown, and fronting on the Germantown and Perkiomen turnpike road, between the nine mile stone and the lane known as Kerper's lane, shall fail to grade or to pave the side-walks belonging to their respective fronts, on or before the first day of July, Anno Domini, one thousand eight hundred and fifty, in accordance with the requisitions and direction of the road commissioners of the Upper ward, Germantown, as authorized by the act of March twenty-ninth, Anno Domini, one thousand eight hundred and forty-nine, then and in case of such failure, it shall be lawful for the said road commissioners, after thirty days' notice shall have been given, to grade or pave the side-walks of the delinquents aforesaid, and to enter a lien upon the estates respectively, for all the expenses of the same; which lien shall be entered in the manner prescribed and provided by the act of the fifth of April, one thousand eight hundred and thirty-four; and the said road commissioners are hereby authorized and required to remove or cause to be removed, all obstacles which may obstruct the way within ten feet from the curb line upon the side-walks aforesaid: *Provided*, That the said property holders fronting on said Germantown road shall not be required to raise their foot-ways more than ten inches above the crown of said turnpike.

Construction of this act.

SECTION 2. That nothing in this act contained shall be construed to authorize the destruction nor removal of any piazzas or porticos which are now erected on said pavements, nor to interfere with the rights and franchises of the Germantown and Perkiomen turnpike company: *Provided*, That the commissioners aforesaid are hereby authorized to grade, curb and pave the side-walks on the Germantown and Perkiomen turnpike road in the Upper ward, Germantown, between Carpenter and Gorgas streets and Allen's lane, at Mount Airy, in accordance with the provisions of this act, and the acts to which this is a supplement.

Boundary lines of the Kensington district.

SECTION 3. That the west boundary line of the Kensington district, of the Northern Liberties, in the county of Philadelphia, and a certain part of the north and of the south boundary line of said district, is hereby fixed and prescribed as follows, to wit: beginning at a point in a line one hundred and twenty feet northward from the northern line of the Lehigh avenue, and one hundred and twenty feet eastward from the eastern side of Sixth street; thence northward parallel with Sixth street to a point in a line one hundred and twenty feet north of Somerset street; thence westward parallel with Somerset street to the middle of the Germantown and Perkiomen turnpike road; thence southward along the middle of the said Germantown and Perkiomen turnpike road to a point in the middle of Sixth street; thence along the middle of said Sixth street to a point in the middle of Thompson street, at the distance

of four hundred and forty-one feet seven and three-fourth inches southward from the southern line of Masters street; thence along the middle of said Thompson street to the middle of Canal street.

SECTION 4. That the territory which by this act is included within the boundary line of the said Kensington district of the Northern Liberties, shall be and the same is hereby made a part of and incorporated with the said district; and shall be at all times hereafter included in and subject to all and every the laws, regulations and ordinances which are or hereafter may be enacted and applied to the said district, as at and before the passage of this act.

Incorporated into said district.

SECTION 5. That the commissioners of the districts of the Northern Liberties and Kensington, in the county of Philadelphia, are hereby authorized and empowered to lay out a street between Sixth and Fifth streets, the continuation of Thompson street, according to a plan that may be approved by said commissioners: beginning at a point in the eastern side of Sixth street, at the distance four hundred and fifteen feet one and one-half inch southward from the southern side of Masters street, and extending eastward the width of fifty feet, to the western side of Fifth street, at the distance three hundred ninety-one feet five inches southward from the southern side of Masters street; and that Thompson street, from the eastern side of Fifth street, eastward, be widened on the southern side ten feet, and continued the width of fifty feet to Canal street; and said Thompson street shall be opened as streets and highways are opened by existing laws in the city and county of Philadelphia.

Commissioners of Northern Liberties authorized to lay out a certain street.

SECTION 6. That from and after the passage of this act, it shall and may be lawful for the commissioners and inhabitants of the Kensington district of the Northern Liberties of the county of Philadelphia, to make use of any of the public highways, streets and roads of the districts of Richmond and Penn township, in the county of Philadelphia, and of any incorporated turnpike road extending into or through either any or all of the districts of Kensington, Richmond and Penn township, for the purpose of laying down, taking up, and re-laying and repairing of conduit or water pipes, or for detaching or cutting off branches or pipes of distribution connected therewith, and the usual and necessary devices connected with the same, for the purpose of supplying the Kensington district of the Northern Liberties and adjoining districts with water: *Provided always*, That said use shall not obstruct the passage of the said highways, streets and roads for a longer time than is necessary for the performance of the works essential thereto; and that all damage ensuing or which may ensue to the said highways, streets and roads from the exercise of the privilege hereby granted, shall be repaired by the said Kensington district of the Northern Liberties, with as little delay as possible, and at its own proper cost: *And provided also*, That nothing herein contained shall be taken or construed in any manner to defeat, alter or impair the force and effect of any contract or contracts made, or to be made between the said Kensington district and the said district of Richmond.

Additional powers granted to the commissioners of the Northern Liberties, for the purpose of supplying the Kensington district with water.

Proviso.

SECTION 7. That a certain canal laid down upon the approved plan of the survey and regulation of the eastern section of the Kensington district of the Northern Liberties, shall hereafter be called Aramingo canal, and shall be marked by that name on the plan of said district.

Aramingo canal.

SECTION 8. That so much of the fifteenth section of an act, entitled "A further supplement to an act to incorporate Kensington district of the Northern Liberties," passed April sixth, eighteen hundred and forty-eight, as relates to the appointment of solicitor of said district, be and the same is hereby repealed.

Solicitor.

The commis-
sioners and in-
habitants of the
district of Ken-
sington, name
changed to.

SECTION 9. That from and after the first day of January, one thousand eight hundred and fifty-one, the municipal district incorporated by an act of assembly passed March sixth, one thousand eight hundred and twenty, by the name and title of "The commissioners and inhabitants of the Kensington district of the Northern Liberties," shall be known by the name and title of "The commissioners and inhabitants of the district of Kensington."

Oswayo creek,
Potter county,
declared a public
highway.

SECTION 10. That from and after the passage of this act, the Oswayo creek, in the county of Potter, shall be declared a public highway from the town of Millport up to the town of Oswayo, a distance of about six miles.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 289.

AN ACT

For the relief of Adolphus Peries, administrator of James Yard; and to incorporate a company to construct the Greensburg and West Newton turnpike and plank road company; and to authorize Charles Noble to sell certain real estate; to a tavern license in Mifflin county; to refund money from the state treasury, to Charles Shaeffer; relative to the estate of Ferdinand Roth, of York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the state treasurer be and hereby is authorized and required to pay to Adolphus Peries, administrator de bonis non cum testamento annexo, of James Yard, deceased, out of any moneys not otherwise appropriated, the sum of eleven hundred and eighty-seven dollars and fifty cents, this sum having been paid by mistake to the treasurer of the county of Philadelphia, and by him to the state treasurer as collateral inheritance tax on the estate of the said James Yard.

Adolphus Peries,
payment to.

Administrator of
Lydia Roth au-
thorized to sell
certain real es-
tate.

SECTION 2. That Ferdinand Roth, administrator of Lydia Roth, late of Fairview township, York county, deceased, be and he is hereby authorized to make public or private sale of the real estate of the said decedent, situated in Fairview township, the proceeds of the sale of the said real estate to be paid by the said Ferdinand to Amos Roth, infant son and only heir of Lydia Roth, deceased, when he arrives at the age of twenty-one years: *Provided, That before the said sale shall be deemed to be valid, the same shall have been approved by the orphans'*

court of said county of York, and the said administrator shall have given bond, with at least two sufficient securities, to be approved of by said court, in double the amount of the estimated value of the said real estate, conditioned for the faithful application of the proceeds of said sale.

SECTION 3. That H. P. Laird, John Morrison, Jacob Weltey, Christopher Crips, John Shotts, Abraham Altman, John Brisband, James M'Kee Samuel Davidson, James Simpson, John Milligan, S. P. Marce, James Garner, John Klinensmith, Daniel Swin, of Westmoreland county, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Greensburg and West Newton turnpike and plank road company," with power to construct a turnpike or plank road, or a road part turnpike and part plank from Greensburg, in Westmoreland county, to West Newton, in said county, by the nearest and best route, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement to said act, approved the seventh day of April, one thousand eight hundred and forty-nine.

Style.

Location.

Subject to provisions of certain act.

SECTION 4. That the capital stock of said company shall consist of one thousand shares, at twenty dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act.

Capital stock.

SECTION 5. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within five years thereafter, the third and fourth sections of this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Commencement and completion of road.

SECTION 6. That Charles Noble, administrator with the will annexed of the estate of David Newport, late of the county of Philadelphia, deceased, be and hereby is authorized, empowered and directed to sell and convey, for the sum of six thousand dollars, to Morris Penrose, his heirs and assigns, all that certain messuage or tenement, and two adjoining lots or pieces of land, containing in all about thirty-seven acres more or less, situate in Abington township, in the county of Montgomery, as the same is described in a certain indenture dated the nineteenth day of June, Anno Domini, one thousand eight hundred and forty-seven, whereby the said premises were granted and conveyed by John Rowlett and Drusilla, his wife, unto the said Charles Noble, administrator as aforesaid, recorded in the office for recording deeds, &c., in and for the said county of Montgomery, in deed book, No. 71, page 235, &c., and upon the payment of the said sum of six thousand dollars, the said Charles Noble is hereby authorized, empowered and directed to make and execute unto the said Morris Penrose, a good and sufficient deed in the law; and thereupon he, the said Morris Penrose, shall take and hold the said messuage or tenement and lots and pieces of land so purchased, free and clear from all and every the trusts and trust in the last will and testament of the said David Newport mentioned and declared, and the said Morris Penrose shall not be bound to see to the application of the purchase money; the said purchase money to be applied by the said Charles Noble, to the purposes, objects and uses contained and declared in said will: *Provided*, That the orphans' court of the county of Philadelphia shall have first approved of the aforesaid sale.

Administrator of David Newport, deceased, authorized to sell certain real estate.

Tavern license in Mifflin county, court of quarter sessions to hear the petition of a certain.

State treasurer to refund certain money to Charles Shaeffer.

SECTION 7. That the court of quarter sessions of Mifflin county be and are hereby authorized to hear and determine the application of James Turner, for a tavern license in the borough of Lewistown, Mifflin county, as though the regular notice had been given in pursuance of the laws regulating tavern licenses.

SECTION 8. That the state treasurer is hereby authorized and required to pay to Charles Shaeffer, one of the sureties of Frederick Hambright, late collector of the Columbia and Philadelphia railroad at Lancaster, the sum of twenty-four dollars and eight cents, being the amount overpaid by him in his settlement of his account with the commonwealth.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 290.

AN ACT

Supplementary to an act, entitled "An Act to provide for the election of commissioners for opening and repairing the public highways in Blockley township, Philadelphia county, and for other purposes," approved March eleventh, Anno Domini, one thousand eight hundred and forty-five; the Belmont and Oghquaga turnpike road; and the pay of the directors of the poor of Franklin county; and to open and extend North Queen and Lime streets, in the city of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, it shall be the duty of the road commissioners of Blockley township, in opening and repairing all public highways in said township, to leave side-walks for foot passengers of the following dimensions, (that is to say,) on all streets or roads thirty feet in breadth, side-walks of five feet wide; on all streets or roads forty feet in breadth, side-walks six feet wide; on all streets or roads fifty feet in breadth, side-walks seven feet wide; and on all streets or roads sixty feet in breadth, side-walks eight feet wide; and the property owner or owners through whose lands said streets or roads may pass, shall have the privilege of forming and repairing such side-walks for the use of themselves and the public: *Provided*, They be so constructed as not to leave abrupt ascents or descents to interfere with the comfort or conveniences of foot passengers.

SECTION 2. And said commissioners shall have full power and authority to impose penalties for any injury done to, or obstructing said side-walks and water courses along the same, and to collect said penal-

Road commissioners of Blockley township, duties of, in opening public highways.

Penalty for obstructing side walks, &c.

ties as like amounts are now by law recoverable; and shall have authority to pass by-laws for the general government of their body, prescribe the duties of their secretary, and fix his compensation, which shall not exceed fifty dollars per annum.

SECTION 3. It shall be the duty of the road commissioners of said Surveyors, du- township to employ one or more competent surveyors, whose duty it lies of. shall be to make a full and fair examination and survey of all the public streets and roads in the township aforesaid, and ascertain and mark at proper points, their legal width, by planting corner stones of not less than three feet in length, eight inches square, and one foot above the surface of the ground; and also make note of all encroachments made by the property owner or owners through whose lands said streets or roads may pass, and make report of all their doings to the said board of Make report. road commissioners, who, upon the receipt thereof, shall make a thorough examination as to its legality and correctness, and if in their opinion it is found to be correct, it shall be final, and so entered upon their books as a matter of record; and in case any of the said streets or roads have been encroached on by the property owner or owners as aforesaid, then it shall be the duty of said commissioners to give notice thereof in writing, to such property owner or owners to remove their fence or fences, as the case may be, to the proper boundary of such streets or roads, within three months from the date of such notice; and on the neglect or refusal of such property owner or owners to make such removal, it shall be the duty of said commissioners to proceed and make such removals, and charge the expenses thereof to the estate of such property owner or owners, and place the same in the hands of the township collector, to be by him collected in like manner as road taxes are now by law collected in said township.

SECTION 4. The road commissioners of Blockley township, or the Nuisances, for burgess and town council of the borough of West Philadelphia, on the removal. application to them made in writing, signed by five inhabitants of the township of Blockley or borough of West Philadelphia, that in their opinion a nuisance exists in said township, they shall, if in the opinion of a majority of the said commissioners, or burgess and town council of the borough of West Philadelphia, that the complaint is founded upon good grounds, make application to the board of health of the city and districts of Philadelphia, who are hereby empowered, under the several acts of assembly in relation to nuisances, to proceed, and if in their opinion necessary, to abate the same.

SECTION 5. Said road commissioners are hereby authorized and di- Marion avenue to rected to lay out and cause to be opened Marion avenue, in said town- be opened. ship, agreeably to the plan reported by a jury of view, October sixteenth, one thousand eight hundred and forty-nine, to the width of fifty feet; the expenses of laying out and opening said road to be paid in like manner as laying out and opening roads in said county are now paid.

SECTION 6. That hereafter all proceedings against the president, Belmont and managers and company of the Belmont and Oghquaga turnpike road, for Oghquaga turn- any neglect or refusal to keep their road in good traveling order and re- pike road com- pair, or for any penalty inflicted on them for the same, shall be com- pany, relative to menced and prosecuted according to the provisions of the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of an act of proceedings against. assembly, entitled "An Act regulating turnpike and plank road companies," approved January twenty-sixth, one thousand eight hundred and forty-nine, incorporating said company.

SECTION 7. Such portions of the act as are inconsistent with the pro- Repeal. visions of this act, be and are hereby repealed.

SECTION 8. That the directors of the poor of the county of Franklin shall hereafter be allowed mileage at the rate of six cents per mile circular, for every mile necessarily traveled by them respectively, in attending to their office duties, which shall be in addition to the compensation allowed by existing laws.

SECTION 9. That Robert Moderwell, George Ford, F. J. Kramph, William Gleim, John S. Gable and John D. Bowring or a majority of them, are hereby appointed commissioners to view, lay out and extend North Queen street, in the city of Lancaster, from its present termination at or near to the dwelling house of John Schwilke, in a line with said North Queen street, as nearly straight as can be done, having regard to the nature of the ground, to the northern boundary of the city, and agreeably to the recognized plot of the city of Lancaster aforesaid.

SECTION 10. It shall be the duty of the said commissioners, or a majority of them, first taking an oath or affirmation before some alderman of the city of Lancaster, to perform the duties enjoined upon them by this act with impartiality and fidelity, to proceed, as soon after the passage of this act as convenient, to attend to the duties specified in the preceding section of this act; and if in their opinion, or the opinion of a majority of them, said North Queen street ought to be opened and extended as aforesaid, then they shall make out a plot or draft of said street so to be opened and extended as aforesaid, by its courses and distances, having regard to the best ground and doing the least possible damage to property; and they shall also make report of the width of said extended street, which shall not exceed the present width of North Queen street, and make return of the same under their hands and seals, or the hands and seals of a majority of them, to the court of quarter sessions of Lancaster county, to be entered of record by the clerk of said court, and thereupon the said street shall become a public highway; and it shall be the duty of the street commissioners of the city of Lancaster, to proceed forthwith to open the same.

SECTION 11. The court of quarter sessions of Lancaster county, on the petition of any owner of a lot of ground, or any owner of land through which the said street shall or may be extended and opened, representing that he has sustained damages thereby, shall appoint six disinterested citizens of said city of Lancaster, to view the premises and adjudge the amount of damages, if any, sustained, taking into consideration the probable advantages of the said street to the complainant; and the said amount shall be paid after being approved by the court, out of the city treasury: *Provided always,* That the said viewers shall each of them, before they proceed to assess the said damages, take an oath or affirmation before some alderman of the city of Lancaster, justly and truly to value the same, and to consider the advantages as well as disadvantages of the extension and opening of said street to the complainant.

SECTION 12. That the select and common councils of the city of Lancaster, are hereby empowered to cause the street commissioners of the said city to lay out, open and extend Lime street, from the point where it now terminates at the northern terminus thereof northward until it intersects Lemon street.

SECTION 13. The court of quarter sessions of Lancaster county, on the petition of any owner of a lot or land through which the said street shall be extended and opened, representing that he has sustained damages thereby, shall appoint six freeholders of the said city to view the premises and adjudge the amount of damages, if any, sustained, taking into consideration the probable advantages of said street to the complainant; and the said amount shall be paid after being approved by

SECTION 14. The court of quarter sessions of Lancaster county, on the petition of any owner of a lot or land through which the said street shall be extended and opened, representing that he has sustained damages thereby, shall appoint six freeholders of the said city to view the premises and adjudge the amount of damages, if any, sustained, taking into consideration the probable advantages of said street to the complainant; and the said amount shall be paid after being approved by

the court, out of the funds of the said city: *Provided always*, That the said viewers shall each of them, before they proceed to assess the said damages, take an oath or affirmation before some competent judge or alderman, justly and truly to value the same, and to consider the advantages as well as disadvantages of the extension and opening of the said street to the complainants.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 291.

A SUPPLEMENT

To an act incorporating the borough of Duquesne, in the county of Allegheny, passed April fifth, Anno Domini, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the burgess and town council of the borough of Duquesne be and they are hereby empowered and authorized to establish and maintain, on any highway or public property within the limits of said borough, such wharf or wharves as they may deem conducive to the convenience and advantage of the citizens thereof or the public; to pass suitable by-laws and ordinances for the regulation thereof, and of boats stopping to receive or discharge freight or passengers, or for any other purpose, at any wharf or public landing within said borough, and to levy a tax for wharfage on all such boats, not exceeding the rates charged for wharfage by authority of the city of Pittsburg: *Provided*, That for and during the period of five years from the passage, the whole amount so levied and collected for wharfage, after deducting the necessary expenses of superintendence and collection, shall be appropriated exclusively to grading, paving or otherwise improving the wharves and landings aforesaid: *And provided also*, That such wharves and public landings shall in no way impede the navigation of the Allegheny river.

Additional powers granted to the borough of Duquesne.

SECTION 2. That so much of the several supplements to the act incorporating the borough of Birmingham, passed April eighth, one thousand eight hundred and forty-eight, and March twentieth, one thousand eight hundred and forty-nine, as relates to streets, lanes, alleys, footways and side-walks, be extended to the said borough of Duquesne; and that the powers and authorities by the said supplements vested in the town council of the borough of Birmingham, in relation to opening,

Provisions of certain act extended to said borough.

widening, grading and paving streets, lanes, alleys, foot-ways and side-walks, be and the same are hereby extended to the burgess and town council of the borough of Duquesne.

SECTION 3. That all laws inconsistent herewith, or such parts thereof as are hereby altered, be and the same are hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 292.

AN ACT

To authorize the administrators of Samuel G. Miner, late of Wilkesbarre, deceased, and the administrator of George Shoemaker, late of Luzerne county, deceased, to sell real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Julia E. Miner, administratrix, and Asher Miner Stout, administrator of the estate of Samuel G. Miner, late of Wilkesbarre, Luzerne county, state of Pennsylvania, deceased, or the survivor of them, be and are hereby authorized to sell and convey by public or private sale or sales, by parcels or otherwise, the whole or any part or parts of all the lands and real estate of which the said Samuel G. Miner died seized or possessed, situate in the county of Luzerne aforesaid; and the said Julia E. Miner, administratrix, and Asher Miner Stout, administrator, or the survivor of them, are further authorized to make and execute a deed or deeds for the said lands and real estate to the purchaser or purchasers, conveying all the title and interest which the said Samuel G. Miner had and held in the same, at and immediately before the time of his death: *Provided*, That before any deed is executed and delivered, the said administratrix and administrator, or the survivor of them, shall make report of sale to the orphans' court of said county, and upon said court being satisfied that such sale is for the interest of the estate of the said Samuel G. Miner, the said court shall order and direct the said Julia E. Miner and Asher Miner Stout, or the survivor of them, to file a bond and the amount thereof, with security, with the condition similar to the one now required in case of an order of sale to administrators, and upon filing the bond and approval of the security, the said court shall forthwith endorse an order of absolute confirmation of the sale: *Provided further*, That should said Julia E. Miner and Asher Miner Stout, administratrix and administrator aforesaid, deem it most advan-

Administrator of
Sam'l G. Miner,
deceased, author-
ized to sell cer-
tain real estate.

tegeous to the interest of said estate of the said Samuel G. Miner, deceased, to sell the real estate aforesaid by this act authorized to be sold, for and upon terms other than cash payment of the purchase money of and for the same, then the said Julia E. Miner and Asher Miner Stout, administrators aforesaid, are authorized and are hereby directed to sell upon the following conditions, to wit: one-third of the purchase money to be paid upon confirmation of the sale and delivery of the deed, one-third in one year thereafter, with interest from the time of said confirmation of sale, to be secured by judgment, bond and mortgage of the real estate sold, and one-third of the purchase money aforesaid, to be at the time of the delivery of the deed for said real estate, secured by judgment, bond and mortgage as a lien of and for dower upon said estate, with interest, payable annually, which amount of interest is to be by said Julia E. Miner, widow of said Samuel G. Miner, deceased, taken as her dower.

SECTION 2. That L. D. Shoemaker, administrator of George Shoemaker, late of the township of Kingston, in the county of Luzerne, deceased, is hereby authorized and empowered to sell and convey in fee simple, either at public or private sale, all and any of the real estate belonging to the estate of the said George Shoemaker, deceased, lying and being in the county of Wyoming, and to make and execute to the purchaser or purchasers of the same, good and sufficient conveyances and assurances in the law, so as to vest in such purchaser or purchasers all the estate, right, title and interest which the said George Shoemaker at the time of his death had and held in the same: *Provided*, That before any deed or conveyance shall be executed for the same, the said administrator shall report such sales to the orphans' court of Wyoming county, for their approbation and confirmation; but before confirmation of the same, the said court shall be satisfied that such sale is for the interest of the estate of the said George Shoemaker: *And provided further*, That the said sales shall not be approved and confirmed until said administrator shall have filed with the clerk of said court, a bond with sufficient surety, to be approved of by said court, conditioned for the faithful appropriation and investment of the proceeds of such sales, in such manner as the orphans' court having jurisdiction of the accounts of said administrator shall direct.

Administrator of
George Shoe-
maker authorized
to sell certain
real estate.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 293.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Methodist Episcopal church at Tunkhannock, in the county of Luzerne, and for other purposes," approved the fifteenth day of April, one thousand eight hundred and thirty-five, relating to the Methodist church in the borough of Norristown, Montgomery county.

Preamble.

WHEREAS, By the fifth section of the act to which this is a supplement, the members of the Episcopal church at Norristown, in the county of Montgomery, were enacted into a corporation with the style and title of "The Methodist Episcopal church of the borough of Norristown," with the right to exercise the powers and privileges granted by law to the Presbyterian congregation of Athens:

And whereas, The members of the said Methodist Episcopal church are desirous of having certain changes and modifications effected in their said charter; therefore,

Name.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the name of the said corporation shall continue to be the "Methodist Episcopal church of the borough of Norristown," by which name they shall in law be capable of suing and of being sued, and of taking and holding lands, tenements, goods, chattles of whatsoever kind, nature or quality, real, personal or mixed, which now is or hereafter shall become the property of said corporation, or to be held for the use, by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whomsoever, capable of making the same; and the same to grant, bargain, sell, mortgage, improve or dispose of for the use of and benefit of said church: *Provided,* That the yearly value or income of the said estates shall not, at any one time, exceed two thousand and five hundred dollars, and shall not be appropriated to any other than benevolent or religious purposes.

Trustees.

Officers.

SECTION 2. The business of said corporation shall be conducted by seven trustees, who shall choose from their number a president and secretary, and may appoint a treasurer and other officers they may deem necessary.

Election of trustees.

SECTION 3. On the first Monday in March, in the year Anno Domini, one thousand eight hundred and fifty, the members of said corporation shall elect seven persons to serve as trustees, three for three years, three for two years, and one for one year; the term of service to be designated by the electors on their ballots; and their places respectively shall be supplied by the annual election on the first Monday of March, in each succeeding year, of three persons or one, as the case may be, all of whom must be members of the Methodist Episcopal church of one year's standing: *Provided,* That in case of vacancy by death or otherwise, the remaining trustees shall choose a person to supply the same until the next election; and all elections which shall be held by said corporation, shall be conducted by three inspectors, who shall be chosen by the electors present at the time and place of election: *And provided also,* That no person shall be entitled to a

vote at said elections but a regular male member of the Methodist Episcopal church of one year's standing.

SECTION 4. The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the said corporation; and to make, have and use a common seal, and the same to break, alter and renew at their pleasure; to change the time and place of holding the annual election, as the same may be found convenient; and if the qualified voters neglect on the day of the annual meeting to hold their election, the trustees may appoint any subsequent time, on which the election shall be held: *Provided*, That notice of such time and place shall be publicly given on the Lord's day, at least one week before the time of holding such election; and also, that the said by-laws and ordinances be framed, enacted and promulgated, and all the acts of said corporation shall be in conformity with the rules and principles of the general Methodist Episcopal church in the United States, existing and established at the time the enactment thereof, and not inconsistent with the constitution and laws of this state or of the United States.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 294.

AN ACT

To limit the indebtedness, and to provide for the gradual extinguishment of the debt of the city of Pittsburg, and for the improvement of the streets, lanes and alleys of said city.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the select and common councils of the city of Pittsburg, within thirty days after the passage of this act, to meet and adopt such measures as shall be necessary for creating, establishing and providing for a sinking fund, and the safe and proper management of the same, for the gradual and certain extinguishment of the debt of the said city; that the said councils be and are hereby authorized to pass, ordain and establish such and so many laws, ordinances, resolutions and regulations as may from time to time be expedient for carrying fully into effect the duty in this act enjoined, and the authority and power hereby granted.

Certain specific sources of revenue to be set apart for said fund.

SECTION 2. That the said select and common councils shall be and are hereby required, on or before the second Monday in February, Anno Domini, one thousand eight hundred and fifty-one, to designate and set apart some certain and specific objects or sources of revenue, or on which taxes are or may be assessed and levied for corporation purposes, or from which revenue is or may be derived for the purpose of forming and establishing a sinking fund for the gradual and certain extinguishment of the existing funded debt of said city; and when so designated and set apart, the said objects or sources of revenue and the revenue to be derived from the same, shall not be appropriated or applied to any other purpose whatever than to the sinking fund, nor shall the same ever be diverted at any time to any other object or purpose, until the said debt shall be fully paid and discharged; the said councils shall from time to time, as they may deem expedient, add to the sinking fund other revenue to be derived from other objects or sources from which any revenue now is or may be hereafter derived.

Revenue to be assigned annually.

SECTION 3. That the said select and common councils shall within sixty days after the passage of this act, and annually thereafter, in the month of February, by ordinance assign and appropriate the revenue of the said city derivable from all sources, (excepting such portions thereof as shall have been specifically designated and set apart under the authority of the second section of this act, and excepting also a tax not exceeding three mills on each dollar of valuation hereinafter authorized,) to be applied and used for the following objects and purposes: *Provided*, That in the application and use of the said revenue (if any deficiency should arise,) preference shall be given to such objects and purposes according to the order named:

Object and purposes.

I. For the payment of the interest of the funded debt of said city.

II. For the payment of the salaries of city officers.

III. For the payment of the ordinary current expenses of the city, exclusive of the cost of grading, paving, et cetera, of public streets and alleys hereinafter specifically provided for.

IV. For the defrayment of the cost of such extraordinary improvements, erections and purchases as may from time to time become necessary for the convenience and prosperity of the public: *Provided*, That the expenditures authorized by such ordinance of appropriation in any one year, shall not exceed the revenue of such year limited as above, and if such revenue shall exceed the expenditures ordered, such excess shall be paid over to the sinking fund herein authorized to be created.

Increase of indebtedness prohibited.

SECTION 4. That it shall not be lawful for the said councils, either directly or indirectly, or by bonds, certificates of loans or of indebtedness, or by virtue of any contract, or by any other means or device whatsoever, to increase the indebtedness of the said city in a sum, which, added to the existing debt, shall taken together exceed one million and one hundred and fifty thousand dollars, exclusive of the subscription of two hundred thousand dollars to the Pennsylvania and Ohio railroad company; but when any portion or portions of the present debt of the city for which bonds or certificates of loans of not less than fifty dollars have been issued shall fall due, it shall be lawful for the said councils to negotiate and grant a renewal of the same, or to effect new loans: *Provided*, That the proceeds of such new loans shall be strictly appropriated to the extinguishment of such portions of debt falling due, and to no other purpose whatsoever: *And provided also*, That it shall not be lawful at any time after the present year, to increase the debt of said city beyond the minimum amount to which it shall have been at any time reduced, under the provisions of the second and third sections of this act.

SECTION 5. That it shall not be lawful for the said councils to issue, or authorize to be issued, any bonds, certificates of loan or of indebtedness, nor any other device as evidence of any indebtedness for or on account of any contract or engagement, or undertaking hereinafter entered into under the authority of said councils, for grading, paving, re-paving or repairing any streets, lanes or alleys in said city, or for sewerage of the same; and to enable the said councils to raise a fund for carrying on the necessary improvements in said city, it is hereby further enacted by the authority aforesaid, that the said councils be and are hereby authorized to levy on all property now liable to be assessed and taxed, or that may hereafter be assessed for corporation purposes, an additional tax not exceeding three mills on the dollar on the assessed valuation of such property as an improvement tax, and to be specifically appropriated for the grading, paving, re-paving or repairing any streets, lanes or alleys opened, or which may be opened in said city for public use, and for constructing and repairing sewers, and for no other purpose or purposes whatsoever; and it shall not be lawful to levy any other tax or appropriate out of any other fund or source of revenue, any sum for the improvements and purposes herein mentioned, nor shall said councils hereafter appropriate for said improvements and purposes herein mentioned, any sum exceeding the amount herein authorized to be assessed or levied: *Provided*, That from and after the next triennial assessment, the tax authorized by this section shall not exceed two mills on the assessed valuation of such property.

Councils not to issue any bonds, certificates of loans, &c.

SECTION 6. That so much of any act heretofore passed authorizing the levying an additional tax of one mill on each dollar of assessed valuation, for the purpose of redeeming certain certificates of loan issued by said city, be and the same is hereby repealed; and so much of any act or acts of assembly as is hereby altered or supplied, is hereby repealed.

Repeal.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 295.

AN ACT

Supplementary to an act passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and nineteen, entitled "An Act authorizing the executors of Ignatius Leitner, deceased, to sell certain real estate, and for other purposes therein mentioned;" relative to the Leggett's Gap railroad; and authorizing the trustees under the will of Robert Blackwell, to sell certain real estate; relative to the estate of Joseph Parker Norris, deceased; to the interest of William Montgomery and Robert Ralston, in stock of the Philadelphia Bank; to the estates of John Riddell, late of Erie county, captain William Bell, late of Philadelphia, and John Cramer, late of Adams county, deceased; and to the trusteeship of the old Bank of the United States.

Certain powers conferred on Daniel Ahl, of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the powers conferred on George Leitner and George Skelton, or the survivor of them, by the act to which this is a supplement, passed on the sixteenth day of March, in the year of our Lord, one thousand eight hundred and nineteen, and so much of the said powers as remained unexecuted at the death of George Skelton, be and are hereby conferred on Daniel Ahl, of the city of Pittsburg; and the said Daniel Ahl is hereby authorized and empowered to make sale of the lot of ground either entire or in parts, as he may deem most advantageous, situate on the north-east corner of Duke and Philadelphia streets, in the borough of York, purchased by George Leitner and George Skelton, in pursuance of said act to which this is a supplement, and to make a good deed or deeds, in fee simple, to the purchaser thereof, and from the moneys arising from such sale, first deducting the state tax to which this act is liable, if any, under the first section of the act of sixteenth April, one thousand eight hundred and forty-five, and the expenses of effecting said sale, the said Daniel Ahl is hereby authorized to retain in his own hands the shares of such of the children of Elizabeth Schaeffer's legatees, under the will of said Ignatius Leitner, deceased, as he, the said Daniel Ahl, may have purchased, and to distribute the remainder among the other children of said Elizabeth Schaeffer, or their assigns or representatives as directed in the will of said Ignatius Leitner, deceased: *Provided,* That before executing a deed to the purchaser or purchasers of said lot of ground, the said Daniel Ahl shall give a bond with security, the form of said bond and security to be approved by one of the judges of the orphans' court of the county of York, conditioned for the faithful appropriation of the proceeds of sale according to the provisions of this act; and said bond shall be filed in the office of the clerk of the orphans' court of the county of York.

Proviso.

Leggett's Gap railroad, relative to.

SECTION 2. That nothing contained in the thirty-seventh section of the act of April seventh, one thousand eight hundred and thirty-two, entitled "An Act to authorize the governor to incorporate a company to erect a toll-bridge over the river Juniata, at the town of Hollidaysburg, and to incorporate the Leggett's Gap railroad company," shall be construed to prevent the said Leggett's Gap railroad company from furnishing the exclusive motive power for the transportation of freight or passengers, charging individuals therefor such sum as shall not exceed the tolls

mentioned in said act, and subject to the control and power of the Legislature as provided in the same; and whenever the parties cannot agree upon the damages claimed, either for lands or materials taken by the said Leggett's Gap railroad company in the prosecution of their work, the said company may tender bond, and proceed in all respects as is provided and specified in the second section of the act, entitled "A supplement to the act incorporating the Pennsylvania coal company," approved the seventh day of March, one thousand eight hundred and forty-nine.

SECTION 3. That James S. Smith and Henry Hollingsworth, executors and trustees named in the last will and testament of Robert Blackwell, late of the city of Philadelphia, deceased, be and they are hereby authorized to sell by public or private sale, or let on ground rent, the whole or any part or parts of two certain lots of ground, as follows, to wit: one of them situate on the north side of Chestnut street, between Schuylkill Fifth and Sixth streets, in the city of Philadelphia, beginning at the distance of two hundred and fifty-three feet westward from the west side of the said Schuylkill Sixth street, and containing in front on the said Chestnut street twenty feet, and in depth northward one hundred and twenty feet to an eighteen feet wide alley which communicates westwardly with a twelve feet wide alley leading into Schuylkill Fifth street, and eastwardly with another twelve feet wide alley leading into the said Schuylkill Sixth street; and the other lot of ground, together with the messuage or tenement thereon erected, being situate on the north side of Pine street, number fifty-seven, between Delaware Second and Third streets, in the said city of Philadelphia, containing in breadth, east and west, about thirty feet, and in depth eighty feet, be the same more or less: *Provided*, That before the said executors and trustees shall execute any deed for the property so authorized to be sold, they shall give security in the orphans' court for the city and county of Philadelphia, in such manner and in such sum as the said court shall order and direct, for the faithful execution of the powers hereby committed to them, and for the proper and faithful application of the proceeds of the sale of the real estate hereby authorized to be sold; and that said court shall have approved of said sale.

Executors and trustees under the will of Robert Blackwell, deceased, authorized to sell certain real estate.

SECTION 4. That Charles Norris, Samuel Norris and Isaac Norris, executors of the last will and testament of Joseph Parker Norris, deceased, late of the city of Philadelphia, and trustees under the said will for Joseph Parker Norris, the younger, in the said will specified, be and they and the survivors and survivor of them are authorized and empowered to pay to him, out of the principal of his respective share of the estate called "Fair Hill," late of the said Joseph Parker Norris, deceased, the sum of three thousand dollars, without being liable for the application of the same.

Executors and trustees under will of Joseph Parker Norris, authorized to pay certain moneys.

SECTION 5. That the court of common pleas for the city and county of Philadelphia be and they are hereby authorized to entertain the application of Joseph Montgomery, of the city of Philadelphia, relative to certain shares of stock of the Philadelphia Bank, standing in the names of William Montgomery and Robert Ralston, in trust, and to make such order and decree as to the sale, transfer or other disposition of said stock as said court in their discretion may see fit, and the necessities of the case may require.

Court of common pleas of Philadelphia county, authorized to entertain the application of Joseph Montgomery.

SECTION 6. That the sales made by Joseph M. Sterrett, John A. Tracy and Elizabeth Riddell, executors of the last will and testament of John Riddell, late of the county of Erie, deceased, of out lots number (375) three hundred and seventy-five, and (408) four hundred and eight, and of square number (43) forty-three, situate in the town of

Certain sales made by the executors of John Riddell, deceased, made valid.

Erie, be and the same is hereby confirmed and made valid, and that the titles of the several purchasers under them be of the same effect in law, as if the said John Riddell had died seized of the said property, hereby ratifying all the acts of the said executors in the premises.

Thomas S. Bell
authorized to sell
real estate.

SECTION 7. That Thomas S. Bell, of the county of Chester, in the commonwealth of Pennsylvania, shall have power and authority to sell either for cash or on credit, at public or private sale, and convey to the purchaser or purchasers in fee simple, and clear of all incumbrances except ground rent now charged thereon, all the right, title, interest and estate which was of captain William Bell, late of the city of Philadelphia, deceased, and now vested by descent in his two minor children, Norris R. Bell and Mary W. Bell, of said city, of and in a certain lot of ground situate on the east side of South Fifth street, and below Lombard street in the said city, and the three storied brick house thereon erected, numbered two hundred and twenty-five, whether held in possession or expectancy in severalty or in common with others, and to make executory contracts for the sale and disposal thereof upon such terms as shall be agreed on with the purchasers; and also to make and execute all or any such deeds and assurances for completing such sale, and carrying into effect such contracts as the said minors themselves or either of them, if of full age, might make or execute; and also to give receipts for the purchase money, which shall fully acquit and discharge the persons paying the same: *Provided*, The said Thomas S. Bell shall first give security to the satisfaction of the orphans' court of the said city, conditioned for the due application of the proceeds of sale, and the said Thomas S. Bell shall settle in the orphans' an account of the appropriation of the proceeds of such sale: *Provided*, That before any such sale shall be made, the said court shall be satisfied of the propriety of said sale, and approve of the same.

Executor of John
Cramer author-
ized to execute a
deed.

SECTION 8. That Conrad Cramer, executor of the last will and testament of John Cramer, late of Huntingdon township, Adams county, deceased, be and he is hereby authorized to execute and deliver unto John Kettlewell, a deed in fee simple, conveying all the estate, right, title and interest of John Cramer, deceased, to and immediately before his decease, of, in and to a certain dwelling house and lot of ground belonging to it, the same mentioned in said testator's last will and testament, on the said John Kettlewell paying the purchase moneys, and otherwise complying with all and singular the terms of the contract by which said executor contracted for the sale of the same to said Kettlewell, in like manner, and as fully, to all intents and purposes, as if express authority had been given in said will to said executor to sell and convey the same: *Provided always*, That nothing in this act contained shall be so construed as to divest or impair the lien of any mortgage, judgment, or other lien creditor of said deceased, in and upon said premises, until the same are paid or otherwise satisfied or discharged, without the assent of such lien creditor: *And provided further*, That before delivering such deed, the said executor shall file a bond in the orphans' court of Adams county, with at least two sufficient securities, to be approved of by the said court, or any judge thereof, in double the amount of the estimated value of said property, conditioned for the faithful appropriation of the proceeds, according to law, and agreeably to the directions of the testament and last will of said deceased.

Bank of the
United States,
relative to trus-
tees of.

SECTION 9. That in the event of the death, resignation, removal or discharge of the surviving trustee of the trustees appointed by the president, directors and company of the Bank of the United States, by four several deeds, dated March second, one thousand eight hundred and

eleven, to close the affairs of the said bank, it shall and may be lawful for the court of common pleas of the county of Philadelphia, if they think proper, to appoint the mayor, aldermen and citizens of Philadelphia, with their consent, trustees in the place and stead of such trustee so deceased, resigned, removed or discharged, who shall be subject in the settlement of the amounts of such trust to the laws of this commonwealth in such case made and provided, and shall be subject to all orders or decrees made by the proper tribunal under said laws.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM F. JOHNSTON.

No. 296.

AN ACT

Regulating election districts; and relating to the election of supervisors and borough officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the general elections for the township of Lower Heidelberg, county of Berks, shall be held at the house now occupied by Daniel Lerch, in said township. Lower Heidelberg township, Berks county, place of holding elections in.

SECTION 2. That from and after the passage of this act, the general elections hereafter held in the township of Exeter, county of Berks, shall be held at the house now occupied by Francis Ritter, in said township. Exeter township, Berks county.

SECTION 3. Hereafter the electors of the township of Salem, in the county of Wayne, shall annually elect two supervisors to serve for one year, and two overseers of the poor to serve for one year, which office shall be separate from that of supervisor. Supervisor in Salem township, Wayne county.

SECTION 4. That the qualified voters of the township of Leidy, county of Clinton, shall hereafter hold their general and township elections at the house of Isaac Summerson, in said township. Leidy township, Clinton county.

SECTION 5. That the first section of the act, entitled "An Act erecting parts of Saville and Juniata townships, in the county of Perry, into a separate election district; and to fix the place of holding elections in Stuartson township, Potter county, and in Pine township, Crawford county," approved the twelfth day of March, one thousand eight hundred and forty-nine, be and the same is hereby repealed. Perry election district, repeal of.

Saville township, Perry county. SECTION 6. The qualified electors of the township of Saville, in the county of Perry, shall hereafter hold their general and township elections at the school house known as the Narrows school house, adjoining land of Samuel Liggett and Robert Dunbar, in said township.

German township, Fayette county. SECTION 7. That from and after the passage of this act, the qualified voters in the township of German, in the county of Fayette, shall hold their general and township elections at the house now occupied by J. Gilmore, and owned by James Allabaugh, in said township.

Heidleberg township, Lehigh county. SECTION 8. That the qualified voters of the township of Heidelberg, in the county of Lehigh, shall hereafter hold their general and township elections at the new house built by Jacob Hoiben, in said township; any law or act of assembly to the contrary notwithstanding.

Shirleysburg borough erected into a separate school district. SECTION 9. That the borough of Shirleysburg, in the county of Huntingdon, be and the same is hereby erected into a separate school district, and that the real estate of William B. Leas, in Shirley township, be and the same is hereby included within the limits of said borough.

Cheltenham township, Montgomery county, constituted a separate election district. SECTION 10. That from and after the passage of this act, the township of Cheltenham, in the county of Montgomery, shall be and constitute a separate election district, and the qualified voters of said township shall hold their general and township elections at the house of Albert Megargers, in the village of Shoemakertown, in said township.

Reserve township, Allegheny county. SECTION 11. That the general and township elections in the township of Reserve, Allegheny county, shall hereafter be held at the house known as number three school house, in said township.

Allegheny township, Armstrong county, repeal of the act concerning. SECTION 12. That the sixth section of the act of the sixteenth of March, one thousand eight hundred and forty seven, entitled "An Act regulating election districts," which erects Allegheny township, Armstrong county, into two separate election districts, be and the same is hereby repealed; that the said township of Allegheny shall hereafter compose one election district, and the qualified voters thereof shall hereafter hold their general and township elections at the house of Jacob Shuster, in said township.

Middle Woodbury township, Bedford county. SECTION 13. That the qualified voters of the township of Middle Woodbury, in the county of Bedford, shall after the first of April, A. D., one thousand eight hundred and fifty, hold their general, special and township elections at the public school house in the village of Woodbury, in said township.

Borough of Adamsburg, Westmoreland county, relative to elections in. SECTION 14. That the second section of the act incorporating the town of Adamsburg, in Westmoreland county, into a borough, approved the fifth day of March, one thousand eight hundred and forty-one, shall be so altered that the election for borough officers shall open between the hours of twelve o'clock and one, P. M., and close at six, P. M.

Borough of Harrisburg divided into four wards. SECTION 15. That all that part of the North ward of the borough of Harrisburg, in the county of Dauphin, lying North of the centre of Market street and west of the centre of Third street, as extended to the northern line of said borough, shall hereafter form a separate election district, and shall be called the West district of the North ward of the borough of Harrisburg; and the qualified electors of said district shall hold their elections at the front window of the court room, in the north-west wing of the court house in said borough, and that Samuel Brenizer shall be the judge, and Daniel A. Kepner and Alexander W. Watson the inspectors to hold the first elections under this act for said West district; and that the rest of the qualified electors of the North ward of the borough of Harrisburg aforesaid, shall hereafter hold their elections at the west window in the rotunda of the court house aforesaid; and that all that part of the South ward of the borough of Harrisburg, as

aforesaid, lying south of the centre of Market street and east of the centre of Second street, to its intersection with Paxton street, and from thence all east of the centre of Paxton street to the centre of Paxton creek, the eastern line of said borough of Harrisburg, shall hereafter form a separate election district, and shall be called the East district of the South ward of the borough of Harrisburg; and the qualified electors of said district shall hold their elections at the east window in the rotunda of the court house, in the borough aforesaid, and that Andrew Graydon shall be the judge, and Jonathan Hailman and Elias Zollinger the inspectors, to hold the first elections under this act for said East district; and that this act shall not be construed in any manner whatever, to interfere with the common school districts as at present constituted in said borough of Harrisburg.

SECTION 16. That from and after the passage of this act the qualified voters of the township of Wiconisco, county of Dauphin, shall hold ship, Dauphin their general and township elections at the house of Daniel Collin, in county. Lykenstown, in said township.

SECTION 17. That the township of Highland, in the county of Elk, shall hereafter be a separate election district, and the election shall be held at the house now occupied by John T. Wells, in said township. Highland township, Elk county.

SECTION 18. That the qualified electors of the township of Union, in the county of Tioga, shall hereafter hold their general elections at the house of George W. Taylor, in said township. Union township, Tioga county.

SECTION 19. That the borough of Ebensburg, in the county of Cambria, be and the same is hereby erected into a separate election district, and the qualified electors thereof shall hold their general and borough elections at the court house in said borough; and Harrison Kinkead is hereby appointed judge, and Michael Hasson and David H. Roberts inspectors, to hold the elections in said borough until others are elected for that purpose; and the thirteenth section of the act incorporating said borough, approved the fifteenth day of January, one thousand eight hundred and twenty-five, be and the same is hereby repealed. Ebensburg borough erected into a separate election district.

SECTION 20. That that part of Southampton township, in the county of Franklin, included within the following boundaries, to wit: beginning at the Greene township line, at the Row run, on land of Michael Kyner; thence by a line to the intersection of the Shippensburg road with the Row road, which leads to the Chambersburg turnpike; thence by the Shippensburg road to the corner of Hurst's lands; thence by a lane on the line between Cressler and Mahon to the Middle Spring road; thence by said road to Cramer's mill, on the Cumberland county line; thence by said line to the Lurgan township line; thence by said line to the Letterkenny township line; thence by the Letterkenny and Greene township line to the place of beginning, shall hereafter form a separate election district, to be called "The Orrstown district;" and the qualified voters thereof shall hereafter hold their general and township elections at the school house at the east end of the borough of Orrstown, in said township; and Simon Diehl is hereby appointed judge, and James Blair and David Spencer inspectors, to hold the general and township elections next ensuing the passage of this act, which said elections they shall conduct in all respects in compliance with the provisions of the election law of this commonwealth. Orrstown erected into a separate election district.

SECTION 21. That hereafter it shall be the duty of the judges of each of the election districts in said township, to meet alternately at the school house at the Chambersburg turnpike, near the public house now occupied by Jacob Bitüner, and the school house at the east end of the borough of Orrstown aforesaid, beginning at the latter place, at one o'clock on the next day after the election for constable and other town- Duty of judge of said district.

ship officers, and make out the returns of the election in the said township of Southampton.

Part of Salem township, Mercer county, attached to Greene township.

SECTION 22. That part of Salem township, Mercer county, lying west of the Erie extension of the Pennsylvania canal, as far south as the south boundary of Greene township, is hereby attached to, and hereafter shall form part of said township of Greene; and the eleventh section of an act, entitled "An Act relative to supervisors in Franklin county," et cetera, approved the ninth day of April, A. D., one thousand eight hundred and forty-nine, be and the same is hereby repealed.

Borough of Mercer, inhabitants of, authorized to elect a burgess, council &c., for.

SECTION 23. That it shall and may be lawful for the citizens of the borough of Mercer, entitled to vote for members of the general assembly, on the third Friday of March, in the year one thousand eight hundred and fifty-one, and on the same day in each and every year thereafter, between the hours of twelve and six o'clock in the evening, to elect by ballot one citizen, who shall be styled "The burgess of said borough," and three suitable persons assistants or common council men, for assisting, aiding and advising the said burgess in the execution of the powers and authorities given him by the act incorporating said borough; and also to elect a high constable and a town clerk: *Provided*, That no person shall be entitled to vote at the election, or to be elected to any of the said offices, unless he shall have been a resident in the said borough of Mercer at least six months next preceding such election; and any part of the act incorporating said borough, altered and supplied by this section, is hereby repealed.

Black Creek township, Luzerne county, place of holding elections in.

SECTION 24. That the qualified voters of the township of Black Creek, in the county of Luzerne, shall hold their township and general elections at the house now occupied by Aaron Wolf, in said township.

Meno township, Mifflin county.

SECTION 25. That the qualified electors of Meno township, Mifflin county, shall hereafter hold their general and township elections at the public house of James Hemphill, now occupied by Daniel Whittaker, in said township.

Millersburg election district, Dauphin county, erected.

SECTION 26. That all that part of Upper Paxton township, Dauphin county, commencing at a point at the first bridge from the Susquehanna river over Mohuntongo creek; thence in a straight line to the line of Halifax township, at a point in Gillut's gap, so as to include Samuel Gillut's fence; thence down the Halifax township line to the Susquehanna river; thence up said river to the mouth of Mohuntongo creek; thence up said creek to place of beginning, including the borough of Millersburg, shall and is hereby erected into a new election district, to be called "The Millersburg election district;" and that the qualified electors shall hold their general elections at the school house in the said borough, where their elections are now held; and that the said borough is hereby erected into a separate school district.

Upper Paxton township, Dauphin county, place of holding elections in.

SECTION 27. That the qualified voters of Upper Paxton township, Dauphin county, who are not embraced within the bounds of the Millersburg election district, shall hereafter hold their general elections at the house of Jacob Burk, in said township; and that all elections for township officers for said township of Upper Paxton, shall be held at the house of said Jacob Burk.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

We do certify that the bill, entitled "An Act regulating election districts, and relating to the election of supervisors and borough officers," was presented to the governor on the twenty-sixth day of March, one

thousand eight hundred and fifty, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. JACK,

Clerk of the House of Representatives.

J. PATRICK,

Assistant Clerk of the Senate.

HARRISBURG, *April 8, 1850.*

No. 297.

AN ACT

For the relief of Peter Hand, of the city of Philadelphia; and to authorize the Cleveland and Pittsburg railroad company to extend their road up the valley of the Ohio, to the mouth of the Big Beaver.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the canal commissioners are hereby authorized and required to examine the claim of Peter Hand, of the city of Philadelphia, for damages alleged to have been sustained by him in the destruction of a portable section boat, on the Columbia railroad, in the year one thousand eight hundred and forty-nine, and if they shall ascertain that said damages were occasioned by any deficiency in the state road or machinery, or by the carelessness or neglect of any state agent, they shall assess the damages, if any, and report the facts to the legislature.

Canal commissioners authorized to examine the claim of Peter Hand.

SECTION 2. That the Cleveland and Pittsburg railroad company, incorporated by an act of the state of Ohio, be and the same is hereby authorized to extend their railroad, with one or more tracks, from the eastern line of the state of Ohio up the valley of the Ohio river, to a point at or near the mouth of the Big Beaver, and connect the same with the Ohio and Pennsylvania railroad, at such point as may be mutually agreed upon between said company and the Ohio and Pennsylvania railroad company: *Provided*, That the damages which may be done to private property by the construction of the said extension, within this commonwealth, shall be assessed and paid in the manner provided by an act regulating railroad companies, passed the nineteenth day of February, one thousand eight hundred and forty-nine.

Cleveland and Pittsburg railroad company, authorized to extend their road.

SECTION 3. That it shall be the duty of the president and directors of said company, as soon as the said extension of their road from the eastern line of the state of Ohio to the mouth of the Big Beaver shall be completed and in use for transportation, to prepare a full and accurate statement of the cost thereof, authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the auditor general of this commonwealth, who shall file the statement in his office.

Statement of cost thereof to be communicated to the auditor general.

Stock subject to
taxation.

SECTION 4. That the stock of said company to an amount equal to the cost of that portion of their road situated in Pennsylvania, shall be subject to taxation by this commonwealth, in the same manner, and at the same rate as other similar property is subject; and it shall be the duty of the said company to cause their treasurer, upon the declaration of any dividend, after said portion of the railroad shall have been completed, to retain out of said dividend, and pay into the treasury of this state, the tax to which such portion of stock may be liable.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 298.

A SUPPLEMENT

To the act incorporating White Hall, in the county of Philadelphia, into a borough, approved April ninth, one thousand eight hundred and forty-nine; to vacate East street, in the city of Philadelphia; relating to Noble street, in the Kensington district of the Northern Liberties; changing the lines of Delaware avenue; authorizing the commissioners of Southwark to pave the Passyunk road; repealing a section of an act relative to Eleventh street; and relative to the Cathedral cemetery of the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town councils of the borough of White Hall, in the county of Philadelphia, are hereby authorized to borrow on the credit of said borough, any sum of money not exceeding one thousand dollars, at a rate of interest not exceeding six per centum per annum, redeemable at such time or times as shall be agreed upon, and to issue therefor certificates of indebtedness, or other evidences of debt; the said loan as soon as taken shall be paid into the hands of the treasurer of said borough, to be applied in regulating and grading the streets under the supervision of the councils of said borough.

Town council of
the borough of
White Hall au-
thorized to bor-
row money.

Election of offi-
cers for said bor-
ough.

SECTION 2. That hereafter it shall and may be lawful for all persons qualified to vote for members of the general assembly of this commonwealth, who have resided three months in said borough previous to said election, and shall have paid the borough tax assessed against them the previous year, to vote for officers at any election in and for said borough; and that the election for officers of said borough shall hereafter open at two o'clock, P. M., and keep open without intermission until eight o'clock in the evening; and the councils elected at the next

election shall at the first meeting thereafter draw lots, when two shall serve for one year, two for two years, and the remaining two for three years, and annually thereafter, two shall be elected in place of those whose time shall then expire to serve for three years; and in case of the death, resignation, removal or refusal to accept, or neglect or refusal to act after acceptance of any of said officers, the remaining officers, or a majority thereof, shall elect a suitable person or persons to fill said vacancy or vacancies until the next annual election; and the superintendent of roads of said borough shall in the absence and inability of the constable, give notice of all elections in the manner now prescribed by existing laws relative to township elections.

SECTION 3. That that portion of the eleventh section of said act to which this is a supplement, relative to courts of appeal, being superfluous, be and the same is hereby repealed; and that all such former laws inconsistent herewith, or such as are hereby altered, be and the same is hereby repealed. Repeal.

SECTION 4. That so much of the third section of the act, entitled "An Act relating to Charlotte street, in the Kensington district of the Northern Liberties; and vacating part of Beach street, in the city of Philadelphia; and for widening Noble street, in the county of Philadelphia," passed March twentieth, one thousand eight hundred and forty-nine, as requires the widening of Noble, so that it shall run on a direct line, shall be and the same is hereby repealed; and the commissioners of Philadelphia county be and they are hereby authorized and directed, with the approbation of the county board, to widen Noble street, between New Market and Front streets, so that it shall be of the same width as the said Noble street now is on the west side of New Market street, and that the increased width shall be taken in lines parallel to the said street from the south side of Noble street only, subject to all the provisions of said act; and the court of quarter sessions of Philadelphia county are hereby authorized and empowered to vacate and set aside all proceedings had under the act to which this is a supplement. Noble street, relative to.

SECTION 5. That the second proviso of the seventeenth section of the act passed the sixteenth day of March, one thousand eight hundred and nineteen, entitled "An Act to incorporate that part of the township of the Northern Liberties lying between the middle of Sixth street and the river Delaware, and Vine street and Cohocksink creek, be and the same is hereby repealed, and that the notice required by the first proviso of the said section shall hereafter be fifteen days instead of thirty days, as therein provided. Northern Liberties, repeal of certain proviso relative to.

SECTION 6. That the lines of the survey and regulation of the passage or street to be called Delaware avenue, in front of the district of Northern Liberties, in the county of Philadelphia, shall be laid out at such distances east of the easternmost lines of Water street and Washington avenue, as the commissioners named in the act authorizing the commissioners of the incorporated districts of the Northern Liberties and Kensington to open a street to be called Delaware avenue, passed June twenty-fourth, one thousand eight hundred and forty-nine, may deem advisable, and shall connect with the northern extremity of the Delaware avenue, in front of the city of Philadelphia; and the provisos to the first section of the said act be and they are hereby repealed. Delaware avenue

SECTION 7. That East street, from Walnut street to George street, between Schuylkill Front street and Ashton street, in the city of Philadelphia, be and the same is hereby vacated. East street, Philadelphia city, vacated.

SECTION 8. That the board of commissioners of the district of Southwark, in the county of Philadelphia, be and it is hereby required to the district of Commissioners of the district of

Southwark re-
quired to curb,
grade and pave
Passyunk road,
&c.

curb, grade and pave the Passyunk road in said district, from the south side of Federal street, along the said road, to the southern boundary of said district, within three months from the passage of this act; and for payment of the proper cost and expense of curbing, grading and paving of said Passyunk road, the said commissioners shall assess and collect from the owners of real estate on the westerly side of said Passyunk road, one-third of said proper cost and expense, in the proper portion that each of said owners of real estate may be entitled to be charged with, according to the proportion the amount of front on such road that each may own, and the other two-thirds of said cost and expense shall be defrayed out of the treasury of said district of Southwark.

Liens.

SECTION 9. That if the owners of real estate on said westerly side of Passyunk road shall neglect or refuse to pay their said assessed portion of such cost of expense, the said commissioners shall have the right to enter liens against said real estate, and collect the same as debts of a similar nature are now by law *liened* and collected.

Commissioners of
Moyamensing
authorized to
pave, curb, &c.,
in case of failure
of said commis-
sioners.

SECTION 10. That if the said commissioners shall refuse so to curb, grade and pave the said Passyunk road, within the space of three months from the passage of this act, then the commissioners of the district of Moyamensing shall cause, and they are hereby required to curb, grade and pave the said Passyunk road, and the entire cost and expenses thereof shall be charged against said district of Southwark; and the same shall be recovered and collected by the said district of Moyamensing, from the said district of Southwark, by suit at law in any court of competent jurisdiction, as debts of similar amount are now by recoverable.

Eleventh street.

SECTION 11. That the nineteenth section of the act to which this is a supplement, relative to Eleventh street, in the county of Philadelphia, be and the same is hereby repealed.

Opening streets,
lanes, alleys and
roads through
the Cathedral
cemetery, Phila-
delphia county,
prohibited.

SECTION 12. That hereafter it shall not be lawful to open any street, lane, alley or public road, through the burial ground called "The Cathedral cemetery," and belonging to the cathedral of Saint Peter and Paul, which cemetery is situated on the Lancaster turnpike, in the county of Philadelphia; any laws heretofore passed to the contrary notwithstanding.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 299.

AN ACT

To authorize the school directors of the borough of Columbia district, Lancaster county, to borrow money for school purposes; to incorporate the German Reformed church of Lancaster; and relative to the assessment of machinery in the county of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of school directors of the Columbia borough district, in the county of Lancaster, be and they are hereby authorized and empowered to borrow any sum or sums of money not exceeding in the whole more than one thousand five hundred dollars, at any rate of interest not exceeding six per cent. per annum, for the payment of the debts of said school district, and for the improvement of the school houses and grounds attached to the same, of the said school district; and it shall and may be lawful for the board of directors of said school district, to secure the money so borrowed by bond of said directors, and mortgage upon the real estate of said school district, or otherwise as said directors may direct.

Board of school directors of the borough of Columbia authorized to borrow money.

SECTION 2. That the said board of school directors and their successors in office, are hereby authorized and empowered to lay an increased taxation each and every year, as long as it may be necessary, over and above the limit of taxation for school purposes fixed by the present or any subsequent law, so as to raise the sum of two hundred dollars, to be specially pledged for the payment of the interest on said loan, and to provide a sinking fund for its eventual liquidation.

Increase taxes.

SECTION 3. That the reverend N. A. Keys, the present minister, Peter Long, David Longenecker and P. K. Brexeman, the present trustees, Daniel Heitsher, Abraham Cole, Jacob L. Hoffmeier and Christian Gast, the present elders, and George Spurrier, Joseph Welchans, Henry Metzger, Charles M. Erben, David King and George Gundaker, junior, the present deacons, and their duly elected and appointed successors in office, as hereinafter required, together with the communicant members of the German Reformed church of the city of Lancaster, whose stated religious services are now and shall continue to be conducted in the English language, and their successors, shall be and they are hereby created and erected into one body politic and corporate, in deed and in law, by name, style and title of "The minister, trustees, elders and deacons of the German Reformed church of the city of Lancaster," and by the same name shall have perpetual succession, and be able and capable in law to sue and be sued, plead and be impleaded, in any court of law or equity in this state, and to make and have a common seal, and the same to break, alter or renew at their pleasure, and to take, purchase, hold and receive, to them and their successors in trust for, and also, to the use of the said congregation, any lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, which are now or shall or may at any time hereafter become the property of the said congregation or body politic, by purchase, gift, grant, bargain, sale, conveyance, devise, bequest

Corporators.

Style.

Privileges.

or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, improve, or dispose of for the use of the said congregation, as may be hereinafter directed and authorized, and generally to adopt and do all such matters and things as may be lawful to be done for the well being and due management of the said congregation; and the said minister, trustees, elders and deacons, shall have full power and authority to ordain and establish such by-laws, ordinances, rules and regulations as shall be necessary and proper for regulating the temporal concerns of the said congregation, and for promoting religion in the same: *Provided*, They be not repugnant to the constitution or laws of this state or of the United States: *And provided further*, That the same shall be in conformity with the constitution, rules and principles of the German Reformed church in the United States of North America: *And provided also*, That the clear yearly value or income of the estates of the said corporation shall not at any time exceed the sum of three thousand dollars, and shall not be used for any other than benevolent or religious purposes.

By-laws.

Proviso.

Trustees, elders and deacons.

SECTION 4. The business of the said corporation shall be conducted by one minister, three trustees, four elders and six deacons, who shall be called the consistory, and be elected and chosen in the manner hereinafter provided for; and whenever a majority of the members of the congregation, at any congregational meeting to be held for such purpose, and of which due notice shall be given, shall, by resolution, determine upon increasing the number of elders to six, such additional number shall be voted for at the next annual election, for such term and period as may be fixed and arranged by an ordinance to be enacted by the consistory for said purpose; and such additional elders, when elected, shall be admitted to and have all the rights, powers and privileges of original members of the consistory.

SECTION 5. That the Rev. N. A. Keyes, the present minister, Peter Long, David Longenecker and P. K. Breneman, the present trustees, Daniel Heitscher, Abraham Cole, Jacob L. Hoffmeier and Christian Gart, the present elders, and any additional elders, if any there be, elected *elect* hereafter, and George Spurrier, Joseph Welchans, Henry Metzger, Charles M. Erben, David King and George Gundaker, Jr., the present deacons, and their duly elected and appointed successors in office, as hereinafter provided for, are hereby confirmed, constituted and appointed to be and forever remain the officers of the said congregation, and shall always be called and known as the consistory of the said church; and shall serve for the several terms and periods of three years and less, for which they were severally chosen, according to the arrangement entered in the records of the church aforesaid.

Consistory.

Regulations, ordinances, &c.

SECTION 6. All regulations and ordinances made, enacted and ordained in relation to the congregation, as provided for in the first section of this act, shall be published from time to time as enacted on the *some* occasion of public worship thereafter; and all the property, real, personal or mixed, to be taken and held by the said consistory and their successors, and by the said congregation, shall be taken and held according to the stipulations of the charter of the First German Reformed church.

Consistory, powers of.

SECTION 7. The said consistory shall have full power and authority at any time to borrow money on bonds, notes or mortgages, for any amount not exceeding the sum of one thousand dollars in the aggregate; but for any sum required above that amount, the consent of the members of the congregation shall be first had and obtained by a resolution to be adopted at a meeting to be called on due notice for that purpose,

and a certificate thereof entered on the church records: *Provided*, That it shall always be the duty of the consistory to make a report in writing, on the day of the annual election for church officers, of the financial condition of the congregation, specifying the receipts and expenditures of the financial year then closing.

SECTION 8. All elections shall be by ballot, and the members of the said corporation shall, on the first Tuesday in February, A. D., 1851, and on the same day annually thereafter, (so long as four elders shall be deemed a sufficient number,) elect an elder to serve four years, (and when it is decided by the congregation, as hereinafter provided, to place six elders in office, then two elders, each to serve three years,) two deacons and one trustee, to serve three years; and whenever any vacancy shall occur by death, resignation or removal, the remaining members of the consistory shall supply such vacancy, to continue until the next annual election, when a candidate shall be elected for the unexpired term of the person so deceased, resigning or removing; but no person shall be elected to or hold the office of elder, deacon or trustee, who is not at least twenty-one years of age, a member of the German Reformed church, and entitled to vote at all elections under this act of incorporation; and nothing in this act shall be so construed as to prevent any officer from being re-elected to the same office at any election of said corporation; but should any ten or more members of the church, within ten days after any vacancy occasioned as aforesaid, by death, resignation or removal as aforesaid, present a written request signed by them to the consistory, requesting a meeting of the congregation for that purpose, the consistory shall appoint such meeting for the holding of an election to supply such vacancy.

SECTION 9. The time for entering upon official duties shall be immediately upon installation or induction into office, according to the forms of the German Reformed church of the United States of North America, and which, whenever practicable, shall be on the Sunday next succeeding the election.

SECTION 10. In the election of a minister, the consistory shall first select the candidate, but in no case shall the election be between two or more candidates at any one time; one candidate only shall be proposed by the consistory, and his case shall be finally disposed of before a second candidate is proposed.

SECTION 11. Every communicant male member of the German Reformed church, twenty-one years of age, connected with the said congregation, and all members of the consistory, shall have a right to vote at any elections for minister, trustees, elders and deacons, and on questions that may be submitted by the consistory to the congregation for their decision; and any pew-holder being a communicant member, who has paid his rent to the officers of the congregation regularly for the term of one year next immediately preceding such election or meeting, shall have a right to vote and participate in the deliberations of such meeting, in conformity with such rules and regulations as may be adopted by the consistory: *Provided*, That all such persons whose rents may be remitted by the consistory, shall nevertheless be permitted to vote at any such election and participate in any such meeting: *And provided further*, That male communicant members of the congregation shall have the right to vote at elections for officers, and on all other questions, at any time before the expiration of the first year.

SECTION 12. All male persons who after the adoption of this act of incorporation regularly attend divine worship with the said congregation, and pay pew rents for two successive years next immediately preceding an election, and shall contribute to the support of divine worship,

Annual elections.

First election of officers.

Election of minister.

Votes.

Proviso.

Further provision relative to voting.

and comply with the by-laws, rules and ordinances of the consistory, and in all other respects demean themselves as church members, although they are not communicants, shall be entitled to vote at elections for pastor and trustees, and on any question touching the property or merely temporal interests of the congregation: *Provided*, Such person or persons be not a member or members of another church, or of other churches; and persons of the character above specified who are not members, who have been and are now attending divine worship with the congregation hereby incorporated previous to the passage of this act, who comply with and continue to conform to the conditions specified in this section, shall enjoy the privileges granted in the same, and be permitted to participate in the transactions of the congregation, so far as specified, simultaneously with the members of the church: *Provided*, That if in the judgment of two-thirds of the members of the consistory the above privileges are abused, to the injury of the church, they shall lay the matter before the communicant voting members of the church, and in all cases where a majority of them so decide, the privilege shall be withdrawn.

Corporation not to be dissolved in consequence of failure to hold annual election.

SECTION 13. If the said congregation shall neglect, on the day and at the time of the annual election as is hereinafter directed, to hold such election as aforesaid, then said corporation shall not be dissolved, but the consistory may appoint any subsequent time, not exceeding four weeks from the time of the first notice, at which the election may be held: *Provided*, That in case the consistory should neglect or refuse to call a meeting for the purpose of holding an election as is directed in this act, then ten or more members qualified to vote as is herein provided for, may call a meeting for the purpose of holding such election, by giving two weeks' notice of the time, place and object of such meeting, in the manner prescribed in this act.

Charges against the character of officers elect to be made immediately, &c.

SECTION 14. If any objection of a serious nature shall be made against the character of any officer elect, and be presented in writing with any number of signatures attached thereto to the consistory, they shall immediately investigate and decide upon the case before such officer is installed; but an appeal may be made and had from this decision to the voting members of the church, if the objection be against an elder or a deacon elect, or to those entitled to vote for a trustee, if against a trustee elect; and if they, or a majority of them, as the case may be, respectively decide in favor of installing such officer elect, it shall be done, and if against it, then another candidate shall be elected.

Notices of elections.

SECTION 15. All notices of elections and meetings of the congregation shall be published from the pulpit on an occasion of public worship, or in such other way as the consistory shall direct; and in all cases a majority of the legal voters shall govern at meetings of the church or congregation; and all meetings of the church or congregation shall in the first place be called and ordered by the consistory; but if they refuse to call such meeting at any time upon the written request of any ten or more voting members of the church, any twenty or more members may appoint one without the consistory, and upon their own motion, by giving public notice thereof for at least two weeks previous to the holding of such meeting, either by publication from the pulpit during divine service, or by advertisement for two successive weeks in any English newspaper printed and published in the city of Lancaster.

Quorum.

SECTION 16. A majority of the acting consistory shall upon all occasions, and for the transaction of all business, constitute a quorum; and they shall appoint a secretary, who shall keep a full and complete record of all their proceedings, and also a treasurer, from one of the trustees, who shall take charge of all moneys belonging to the said corporation;

and all bonds, notes, judgments and mortgages to be given, made and executed, and all deeds for any real estate sold at any time, shall be made, signed, sealed, executed and delivered by the trustees alone, or a majority of them for the time being; and the consistory shall appoint all officers for superintending, holding and conducting all elections of the said corporation.

SECTION 17. That it shall be lawful for the assessors of the several townships of the county of Delaware, at the time of making the county assessments, to assess and value the machinery in all woollen and cotton manufactories, and make return thereof to the county commissioners of said county, as the returns of other assessments are made; and after said assessments have been adjusted, the same shall be included in the copy of the valuation of property made taxable for school purposes, and required to be furnished to the president and secretary of the said school districts; and the directors of the said school districts are hereby authorized and directed to levy the same rate of school tax on said assessment, as is laid on the assessments of other property of said district for school purposes: *Provided*, That the assessment of said machinery for the present year may be made any time before the first day of May, one thousand eight hundred and fifty.

Assessors of Delaware county authorized to assess and value machinery in manufactories.

SECTION 18. That the directors of the public schools of the townships of Radnor, Haverford and Upper Darby, in the county of Delaware, are hereby authorized to levy a sufficient amount of tax to enable them to keep their schools open during the whole year.

School directors

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 300.

AN ACT

Authorizing the canal commissioners to investigate the claim of Margaret F. Brady, of Cumberland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized to examine and assess the damages claimed by Margaret F. Brady, for damage done

to her property on the Columbia and Philadelphia railroad, and make report to the legislature.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 301.

AN ACT

To incorporate the Andalusia and Hulmeville turnpike road company.

Commissioners.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That James G. Hibbs, William R. Scott, Samuel Middleton, George Harrison, Jesse G. Webster, Amos V. Scott, William A. Johnston, William B. Vandegrift, Garret V. Scott, James W. Ivins, Richard Hulme, and John W. Stackhouse, junior, of Bucks county, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of “The Andalusia and Hulmeville turnpike road company,” to locate and construct a turnpike road on the bed of the present public road known as the Hulmeville and Trenton road, as the company may direct, leading from the intersection of the Frankford and Bristol turnpike at Andalusia, to at or near the west end of the bridge over Neshamony creek, opposite Hulmeville, in Bensalem township, Bucks county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, so far as they are not inconsistent with this and the following sections.
Style.	
Location.	
Subject to provisions of certain act.	
Capital stock.	SECTION 2. The capital stock of the said company shall consist of five hundred shares, at twenty dollars per share: <i>Provided,</i> The said company may from time to time, at a meeting of the stockholders called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road according to the true intent and meaning of this act: <i>And provided also,</i> The said company may at their option construct a plank road on any part or parts of the same, in lieu of a turnpike, as a majority of the stockholders in amount may determine at a meeting to be called for the purpose, due notice thereof to be first given.
Commencement and completion of road.	SECTION 3. The said company may commence the construction of their road at any intermediate point: <i>Provided,</i> Such commencement

shall be made within five years after the passage of this act; and should the said company fail to complete their road within ten years after the same shall have been commenced, then this act shall be null and void, except so far as shall become necessary to settle the affairs of the company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The ninth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 302.

AN ACT

Prescribing the time and manner of submitting to the people for their ratification or rejection, the proposed amendment of the constitution.

WHEREAS, A joint resolution to amend the constitution of this commonwealth, in the second section of the fifth article thereof, by providing for the election of the judges of this commonwealth by the people, has been agreed to by a majority of the members elected to each house of the legislature, at two successive sessions of the same, the first session commencing on the first Tuesday of January, in the year of our Lord, one thousand eight hundred and forty-nine, and the second commencing on the first Tuesday of January, in the year of our Lord, one thousand eight hundred and fifty: Preamble.

And whereas, It is provided in the tenth article of the constitution that any amendment so agreed upon, shall be submitted to the people in such manner and at such time, at least three months after being so agreed to by the two houses, as the legislature shall prescribe; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Governor to issue for the purpose of ascertaining the sense of the citizens of this commonwealth in regard to the adoption or rejection of the said amendment, the governor of this commonwealth shall issue a writ of election, directed to the sheriff of each and every county of this commonwealth, commanding them to give notice in the usual manner, that an election will be held in each of the townships, wards and districts therein, on the second Tuesday in October, in the year of our Lord, one thousand eight hundred and fifty, for the purpose of deciding upon the adoption or rejection of the said amendment; which said election shall be held at the places, and be opened and closed at the time at and within which the general elections of this commonwealth are held, opened and closed; and it shall be the duty of the judges, inspectors and clerks of each of said townships, a writ of election to the sheriff of each county.
Duty of the officers of election.

How tickets to
be labelled.

wards and districts, to receive at the said election tickets, either written or printed, or partly written and partly printed, from citizens duly qualified to vote for members of the general assembly, and to deposit them in a box or boxes to be for that purpose provided by the proper officers, which tickets shall be labelled on the outside "amendment;" and those who are favorable to the amendment may express their desire by voting each a written or printed, or partly written and partly printed ballot, containing on the inside thereof the words, "for the amendment," and those who are opposed to such amendment, may express their opposition by voting each a similar ballot, containing on the inside thereof the words, "against the amendment."

How election to
be conducted.

SECTION 2. That the election on the said proposed amendment shall in all respects be conducted as the general elections of this commonwealth are now conducted; and it shall be the duty of the return judges of the respective counties and districts thereof, first having carefully ascertained the number of votes given for or against the said amendment, in the manner aforesaid, to make out duplicate returns thereof, expressed in words, at length, and not in figures only, one of which returns so made shall be lodged in the prothonotary's office of the proper county, and the other sealed and directed to the secretary of the commonwealth, and by one of the said judges forthwith deposited in the most convenient post office.

Secretary of the
commonwealth,
duty of.

SECTION 3. That it shall further be the duty of the secretary of the commonwealth, on receiving the returns for the election for and against the said amendment, to deliver the same to the speaker of the senate, on or before the first Monday after the organization of the next legislature after said returns shall so be received, who shall open and publish the same in the presence of the members of the senate and house of representatives on the next Tuesday thereafter; and when the number of votes given for, and the number of votes given against the said amendment shall have been summed up and ascertained, duplicate certificates thereof shall be signed by the speaker of the senate and speaker of the house of representatives; one of which shall be filed in the office of the secretary of the commonwealth, and the other delivered to the governor, whose duty it shall be to declare by proclamation whether the said amendment has been or has not been approved and ratified by the citizens of this commonwealth.

Sheriffs and com-
missioners of the
counties, duties
of.

SECTION 4. The sheriffs and commissioners of the several counties of this commonwealth shall do and perform all the duties and acts necessary by them to be done to give effect to and carry out the provisions of this act.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 303.

AN ACT

To incorporate the American life and health insurance company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Leonard Jewell, Thomas Watson, George H. Burgin, M. D., Thomas Robinson, Alexander Cummings, Charles Harkness, Thomas S. Smith, Hon. William D. Kelly, Daniel H. Rockhill, Thomas Earp, Windham H. Stokes, Paul S. Brown, William English and Thomas Fleming, or any five of them, be and they are hereby authorized and empowered to receive subscriptions to the capital stock of a company, to be denominated "The American life and health insurance company," and shall procure suitable books and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees of the American life and health insurance company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and in such proportions and at such times as shall be determined by the trustees of said company, in pursuance of an act of the general assembly of the commonwealth of Pennsylvania, entitled 'An Act to incorporate the American life and health insurance company.' Witness our hands this day of in the year of our Lord, one thousand eight hundred and fifty;" and shall thereupon give notice in two newspapers published in the city of Philadelphia, at least ten days previous, of the time and place where the said books shall be kept open to receive subscriptions for the stock of said company; at which time and place one or more of the said commissioners, or their secretary, shall attend, and permit all persons of lawful age who shall offer to subscribe in the said book in their own name, or in the names of any other persons who shall authorize the same, for shares in said stock; and the said books shall be kept open for the said purpose at least six hours in each juridical day, for the space of two days, or until ten thousand shares, at fifty dollars per share, shall be subscribed for, which ten thousand shares, at fifty dollars per share, are to be the capital of the said company; if the whole number of shares shall not be subscribed for during the two days before mentioned, the trustees of said company, or any five of them, shall have power to re-open said books at any time or times, place or places as they may deem expedient, and keep the same open until the whole number of shares are subscribed for.

SECTION 2. When one thousand shares of said capital stock shall have been subscribed, and five dollars on each share paid in on said capital stock, the above named commissioners, or a majority of them, shall certify to the governor under their hands and seals, the names of the subscribers and the number of shares subscribed for, and the amount paid in by them respectively; and the governor shall thereupon by letters patent under his hand and the seal of the state, erect and create said subscribers, and those who may thereafter become associated with them by virtue of this act, and their successors, into one body politic, corporate, in deed and in law, by the name and style of "The Ameri-

Commissioners.

Name.

Form of subscription.

Letters patent.

can life and health insurance company;" and the said subscribers, their associates and successors, shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, hold, use, occupy, possess and enjoy to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects, or choses in action, and all other property of what nature and kind soever, real, personal and mixed, and the same from time to time, sell, demise, grant, alien and dispose of: *Provided*, That the yearly income of the real estate so held, except it be such as shall or may be conveyed to said company as security for or in payment of any debt due, or towards satisfying any judgment or execution held by said company, shall not exceed such sum as shall be required for transacting the necessary and legitimate purposes thereof as a life insurance company, and no other.

May embrace the mutual principle. SECTION 3. The corporation hereby created, although a stock company, may embrace the mutual system, thus combining the benefits of both a stock and mutual insurance company, shall have power to insure the respective lives and health of its members and others, and to make all and every insurance appertaining to life risks of whatever kind or nature, and to receive and execute trusts, to make endowments, and to grant and purchase annuities.

Board of trustees. SECTION 4. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they may appoint; the board of trustees shall consist of thirteen stockholders, one of whom shall be the secretary; they shall annually elect from among the trustees a president and vice president, who shall continue in office for the term of one year, and until others shall be elected in their stead, and they shall have power to declare by by-laws, what number of trustees less than a majority of the whole, shall be a quorum for the transaction of business.

Secretary. SECTION 5. The persons named in the first section of this act shall elect a secretary from among the stockholders, and with said secretary shall constitute the first board of trustees.

Annual election of trustees. SECTION 6. The trustees shall be elected annually by ballot on the first Monday in January, by the stockholders or by their legally constituted agents, and each share of the stock shall entitle the holder thereof to one vote at the elections to be held at the office of the company, at a general meeting of the stockholders convened for that purpose, by ten days' public notice in two or more of the daily papers of the city of Philadelphia: *Provided*, That if it should happen at any time that an election of trustees should not be made, when pursuant to this act it should have been made, the company for that cause shall not be dissolved; and it shall be lawful within forty days therefrom, to hold and make an election for trustees, in such manner as the by-laws of the company may prescribe; and the president and trustees for the time being, shall be continued in office until such election shall take place; and in the event of death, resignation or removal of any trustee from office, his place, for the remainder of the term, may be filled by the remaining trustees, in manner such as the by-laws may prescribe.

Agents, clerks, &c. SECTION 7. The president and trustees shall have power to elect a secretary, and appoint such other agents and clerks as may to them appear proper, to fix their compensation, and pay the same, and discharge such clerks or agents; and the capital stock shall be called in and paid in such instalments, and at such times and places as the trustees for the time being may require and designate, who shall give fifteen days' notice thereof, in two or more of the daily papers of the city of Philadelphia; and if any stockholder, subscriber, their assignee

Capital stock to be called in, &c.

or transferee, shall refuse or neglect to pay such proportion or instalment at the time and place appointed, such stockholder, subscriber, assignee or transferee, shall at the option of the trustees, forfeit to the use of the company all his, her or their right, title and interest in and to every share on which such instalment has not been duly paid; and fresh subscription may be opened for the same, in such manner as the by-laws may prescribe, or the trustees may at their option commence suit for the same, and recover against the subscriber or holder of such stock for the amount of the instalment or proportion so unpaid: *Provided*, That no stockholder or subscriber shall be permitted to vote at any election for trustees, or any general or special meeting of the company, on whose share or shares any instalment or arrearages may be due more than ten days previous thereto, nor shall any stockholder vote at any such meeting or election, whose stock has not been standing in his or her name on the books of the company at least thirty days.

SECTION 8. It shall be lawful for the said trustees to invest and improve the capital stock, and all money received for premiums or otherwise, in the funded debts of the United States, or of the state of Pennsylvania, or other of the United States, of the county of Philadelphia, city of Philadelphia, or other counties or cities of the states of the United States, and in bonds, and mortgages, and ground rents, and may invest such portions of the accumulations of said capital stock as to them may seem expedient, in building or erecting, or in aiding in the building or erection of a hall in the city of Philadelphia, for the use of divisions of the Sons of Temperance, or other temperance societies, temperance meetings, or such other meetings and purposes as to the said trustees may seem expedient and proper; and the said investments to sell, transfer, change or re-invest, as the trustees may deem proper: *Provided*, That every regulation which the board of trustees may make in regard to the declaring of dividends, or the accumulation or diminution of the funds of the company, shall be binding on all: *Provided*, That nothing herein contained shall be so construed as to give the said company discounting or banking privileges.

Trustees may invest funds in the funded debt of the United States, &c.

SECTION 9. The stock of the said company shall be transferred on the books of the said company, in such manner only as the by-laws of the company shall direct.

Stock transfers.

SECTION 10. The trustees may determine the rates of premiums and terms of insurance, which shall be set forth in their policies.

Rates of premiums.

SECTION 11. Within thirty days after the first Monday in January of each year, it shall be the duty of the officers of the company to cause to be made and printed, in at least one daily newspaper published in the city of Philadelphia, a general balance statement of the affairs of the said company, and deliver to each person insured upon request a copy thereof.

Statement.

SECTION 12. The trustees for the time being shall have power to ordain, establish and put in execution such rules, regulations, ordinances and by-laws as they may deem essential for the well government of the company, not contrary to the constitutions of the United States, or the state of Pennsylvania; and generally to do and perform all acts, matters and things which a corporation may or can do lawfully.

By-laws.

SECTION 13. The business of the company shall be carried on at such place in the city or county of Philadelphia, or elsewhere, by agency, as the trustees shall direct, and at such agencies as they may establish.

Place of business.

SECTION 14. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person with his assent as may have the

Married women may have the

lives of their husbands insured.

her trustee, to cause to be insured for her sole use the life of her husband; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of insurance, shall be payable to her to and for her own use, free from the claims of the representatives of her husband, or of any of his creditors.

In case of death of wife, the amount of insurance may be paid to her children.

SECTION 15. In case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after death to her children for their use, and to their guardian, if under age.

Lawful for any child in his or her name, to cause to be insured for his or her use, the life of the parent.

SECTION 16. It shall be lawful for any child, by himself or herself, and in his or her name, or in the name of any third person, as his or her trustee, to cause to be insured for his or her sole use, the life of his or her parent; and the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to him or her, and for his, her or their own use, free from the claims of the representatives of his or her parent, or any of his or her creditors.

Reservation.

SECTION 17. The legislature reserves the power to alter, revoke or annul the charter of the said company, whenever, in their opinion, it may be injurious to the citizens of the commonwealth; in such manner that no injustice be done to the corporators.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 304.

A FURTHER SUPPLEMENT

To an act passed the fifteenth day of March, one thousand eight hundred and forty-seven, entitled "An Act for the erection of a new county out of parts of Lycoming, to be called Sullivan."

Governor authorized to appoint commissioners to review and relocate the seat of justice of Sullivan county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be and he is hereby authorized and required to appoint three commissioners, whose duty it shall be to review, and if they deem it necessary, re-locate the seat of justice in the county of Sullivan.*

Place of meeting of commissioners.

SECTION 2. The said commissioners shall meet at the town of Cherry, in the county of Sullivan, at such time as shall be agreed upon by them, or a majority of them, and after being duly sworn or affirmed, shall proceed to discharge the duties required by this act. In case any of the commissioners cannot attend, it shall be the duty of the two attending

to select a suitable person to fill the vacancy, who shall not be a citizen of the county of Sullivan. The said commissioners, or a majority of them, shall make their report to the secretary of the commonwealth, Report. and to the court of quarter sessions of Sullivan county, on or before the first day of September, one thousand eight hundred and fifty.

SECTION 3. If the said commissioners shall deem it expedient to locate the seat of justice of the said county of Sullivan at any other point than Laporte, the original location, they are hereby required to appraise Appraise damages. the damages that may have been sustained by S. Meylert, and his assigns, in consequence of the removal from Laporte; and if the location shall be fixed at any other place than Cherry, said commissioners shall appraise the damages sustained by any person or persons in consequence of the removal from Cherry; and the amount or amounts so found due, if any, shall be certified by the said commissioners, or a majority of them, to the prothonotary of the court of common pleas of Sullivan county, who shall enter the same of record, with all the rights, remedies and effects of a judgment against the said county of Sullivan; and in case the location shall be put at any other place than Laporte, the commissioners of the said county of Sullivan shall re-convey to S. Meylert and his legal representatives, all the real estate conveyed by him to the county commissioners for the use of said county, and to cancel and deliver up to the said S. Meylert, or his legal representatives, the bond of two thousand five hundred dollars, given by the said Meylert towards erecting the public buildings in said county; and should the location be placed at any other place than Cherry, the said county commissioners shall re-convey any real estate which may have been conveyed to them towards erecting public buildings.

SECTION 4. As compensation for their services, the said commissioners shall each receive three dollars per day while engaged in the discharge of the duties imposed upon them by this act, to be paid by Pay of commissioners. the county of Sullivan.

SECTION 5. That the act of assembly approved the twenty-sixth of March, one thousand eight hundred and forty-nine, entitled "A supplement to an act passed the fifteenth day of March, one thousand eight hundred and forty-seven, entitled 'An Act for the erection of a new county out of parts of Lycoming, to be called Sullivan,'" be and the same is hereby repealed. Repeal.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 305.

AN ACT

Relative to the election of auditor general, surveyor general and county surveyors by the people.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of this commonwealth shall choose by ballot, one person to fill the office of auditor general, and one person to fill the office of surveyor general, on the second Tuesday of October, Anno Domini, one thousand eight hundred and fifty, and at their general election every third year thereafter.

Election of auditor general and surveyor general.

To be commissioned by the governor.

SECTION 2. That the auditor general and the surveyor general elected in pursuance of the first section of this act, shall be commissioned by the governor of this commonwealth, and shall assume the duties of their respective offices on the first Tuesday of May next ensuing their election, and shall possess all the powers granted, perform all the duties, and be subject to all the penalties imposed by the existing laws of this commonwealth, relating to auditor general and surveyor general.

Regulation of elections.

SECTION 3. That the general election laws now in force for the choice of a governor of this commonwealth, shall regulate the elections of auditor general and surveyor general; and in case any vacancy should occur in either of said offices, by death, resignation or otherwise, the same shall be filled by appointment of the governor; and the person so appointed shall continue in office until the end of the term for which his predecessor was elected.

Repeal.

SECTION 4. That so much of the act of twenty-ninth March, Anno Domini, one thousand eight hundred and nine; so much of the act of thirtieth March, one thousand eight hundred and eleven, and so much of any other act or acts of assembly now in force as relates to the appointment of an auditor general or a surveyor general by the governor, be and the same is hereby repealed.

Election of county surveyors.

SECTION 5. That the qualified voters of each county of this commonwealth shall on the second Tuesday of October next, and on the same day every third year thereafter, elect one competent person, being a practical surveyor, to act as county surveyor for the proper county for the term of three years, who shall do and perform all the duties, and have and receive all the emoluments now pertaining to the respective deputies of the surveyor general.

Returns of elections.

SECTION 6. That duplicate returns of the elections of said county surveyors shall be made out and certified by the return judges, in the manner prescribed by the laws regulating the general elections of this commonwealth; one copy whereof shall be filed with the clerk of the court of quarter sessions of the proper county, and the other transmitted by mail to the surveyor general, to be filed in his office, and notice of his election shall be given by the return judges to the person receiving the highest number of votes; all contested elections under this act shall be subject to the provisions of the laws relating to the trial of contested elections of county officers.

SECTION 7. That the person so elected shall at the next court of quarter sessions of the proper county, or as soon thereafter as practicable, take and subscribe an oath or affirmation to perform all the duties of his office with fidelity. Take oath.

SECTION 8. That the courts of quarter sessions of the respective counties shall have power, on cause shown, to remove any of said county surveyors for neglect, refusal, incompetency, or inability to perform the duties of his office, and shall also remove them on being convicted of any infamous crime or misdemeanor. Removal of county surveyors.

SECTION 9. That in case of any vacancy occasioned by death, resignation, removal or otherwise, it shall be the duty of the court of quarter sessions of the proper county to appoint a competent person, being a practical surveyor, to fill such vacancy until the time prescribed by this act for the election of said officers. Vacancies, how filled.

SECTION 10. That so much of any act of assembly as authorizes the surveyor general to appoint deputies, be and the same is hereby repealed. Repeal.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and fifty.

WM F. JOHNSTON.

No. 306.

A N A C T

To incorporate the Yardleyville and Newtown turnpike or plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jolly Longshore, Amos Vansant, John Yardley, Yeoman Pickering, Elias Gilkyson, George Yardley, George Cunningham, Joseph Taylor, Andrew Smith, John Barnsly, Richard Janney, Joseph H. Yardley, Robert Longshore, William Janney, William Paff, Penquite Lenton, Edward Buckman, Jaseth Satterthwait, S. M. Hough, William Cadwallader, John Sager, Phineas Jenks, J. B. Brown, Charles Beans, Aaron Eastburn, D. Y. Harman, or a majority of them, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Yardleyville and Newtown turnpike or plank road company," with power to construct a turnpike or plank road from Yardleyville to the borough of Newtown, in the county of Bucks, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, ap- Commissioners.
Location.
Subject to provisions of certain act.

proved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, approved the seventh day of April, one thousand eight hundred and forty-nine, excepting so far as may be hereafter provided for.

Capital stock. SECTION 2. The stock of the said company shall consist of four hundred shares, of twenty-five dollars each: *Provided*, That said company may, by a vote of the stockholders at a meeting called for that purpose, increase their capital so much as in their judgment may be necessary to carry out the true intent and meaning of this act.

Tolls. SECTION 3. The company shall have power to regulate their tolls within the limits prescribed by the thirteenth section of said act, and the supplement to the same, without reference to the width of wheels in any case, and to charge the same tolls where mules or oxen are used in place of horses.

SECTION 4. The said company shall have power to construct their road on a grade that shall in no place rise or fall more than will form an angle of four degrees from a horizontal line; and that the said company have power to erect gates and collect tolls on said road, when three miles are completed: the company are also authorized to make such arrangements with the townships through which the said road may pass, as can be agreed upon by the citizens of the said townships and the directors of the company.

SECTION 5. Any person who shall drag along or across said road any log, timber, wood or stone, so that the same shall come in contact with the even surface of the said road, or shall injure or spoil any part of said road, or any thing thereunto belonging, he shall, for every such offence, forfeit to the corporation hereby created the sum of ten dollars, which penalty may be recovered by said corporation in an action of debt in any court having cognizance thereof.

Election of officers. SECTION 6. That if it should at any time happen that an election of president, directors, treasurer, secretary or other officers, shall not be made at the proper time, the corporation shall not for that cause be dissolved; but it shall be lawful to hold and make such election of president, directors, treasurer, secretary or other officers, on any day thereafter, by giving at least ten days' notice, signed by the president or secretary, in one or more newspaper published in the county, of the time and place holding said election; and the president, treasurer, secretary, directors, and other officers of the preceding year, shall in that case continue to act and be invested with all the powers belonging to their stations, until an election shall take place: in case of the death or resignation of the president, directors, treasurer, secretary or other officers, his place may be filled by the board of directors until the next annual election.

Commencement and completion of road. SECTION 7. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 307.

AN ACT

To limit and regulate sequestrations in case of the Erie canal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* 'That

hereafter on the return of an execution unsatisfied against the Erie canal company, under the provisions of the seventy-third section of the act of sixteenth of June, one thousand eight hundred and thirty-six, entitled "An Act regulating executions," it shall not be lawful for the court when such return is made, to grant a writ of sequestration and to appoint a sequestrator, except upon the judgment and decree of the same court on hearing that said corporation is guilty of mismanagement, misapplication of its funds, or wilful delay in the discharging its legal liabilities; that such hearing shall only be ordered and had on the written application of the plaintiff in such execution, verified on oath, charging such mismanagement, misapplication or delay, specifically, and on such reasonable notice served on the corporation as the court shall direct: *Provided*, 'That this act shall not apply to judgments for repairs.

Erie canal company, relative to executions against.

SECTION 2. It shall be lawful for the courts decreeing sequestration as aforesaid, to revoke and annul the same, and the appointment of the sequestrator at any time, whenever it shall satisfactorily appear to the said court, on hearing that the causes of complaint are removed, application for which may be made in writing by the corporation, or any of its creditors: *Provided*, 'That notice of the hearing of such application shall be published for three months immediately previous, in at least three newspapers printed in the county where the application is made, if so many be published, and such further notice given as the court in its discretion may order.

Sequestrator.

SECTION 3. That in case it shall become necessary to appoint a sequestrator under this act, it shall not be lawful for the court to appoint any person sequestrator who is a stockholder, loan or bond holder, or in any way directly or indirectly interested in any debt or claim against said corporation.

Who shall not be appointed sequestrator.

SECTION 4. That it shall be the duty of the said court to require said sequestrator to make a statement under oath or affirmation, of the amount of moneys in his hands belonging to said company or corporation, and a failure on the part of the said sequestrator to *to* make said report and pay over the amount so admitted to be in his hands monthly, according to the direction of said court, shall be a forfeiture of his right to act as sequestrator, and on application of any person interested, the said court shall appoint some other suitable person as sequestrator: *And provided further*, 'That upon the filing the plaintiff's receipt for the payment of the judgment or judgments upon which a sequestrator has prior to the passage of this act been appointed, or upon the payment of the same into the court of the proper county, it shall be lawful, if the said court shall see proper, to vacate said appointment; and the office and duties of the sequestrator shall thenceforth cease and determine,

Sequestrator, duties of.

except so far as to pay over the funds which may have come into his hands.

Sequestrator of
goods, chattels,
rents, &c.

SECTION 5. That on the return of an execution unsatisfied against the said corporation, as provided for in the seventy-third section of the act of sixteenth of June, one thousand eight hundred and thirty six, aforesaid, it shall and may be lawful for the court out of which the same issued, upon the application of a majority in value of the bond holders and other creditors of the said corporation, to *sequestrate* the goods, chattels and credits, rents, issues and profits, tolls and receipts of the said corporation, in the manner provided by the said act of sixteenth June, one thousand eight hundred and thirty-six, and to revoke such decree of sequestration on sufficient cause shown: *And provided further*, That said canal company shall not purchase any of its bonds or obligations until the interest is fully paid on all its bonds and obligations in full.

Individual lia-
bility.

SECTION 6. That the stockholders of the Erie canal company shall be liable in their individual capacity for all the debts and liabilities of the said company hereafter contracted; and the said company shall not plead or enjoy the benefits of any of the provisions of this act, until they have first, at a general meeting of the stockholders thereof, accepted the provisions of this act, and agreed to be bound as in this section provided, and thenceforth this section shall be deemed and taken to be a part of the charter of the said company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 308.

AN ACT

Authorizing the laying out of a state road from Washingtonville, in Columbia county, via Turbetville, in Northumberland county, to a point the nearest and most convenient to the borough of Muncy, on the state road leading from Milton to Muncy; and relative to the assessment of road taxes in certain townships in Mifflin county; and to the sale of the Franklin railroad; and to authorize the school directors of Harrisburg to borrow money.

Commissioners to
lay out and mark
State road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Smith, Samuel Shannon and William A. Petrikin be and are hereby appointed commissioners to view and lay out and mark a state road, beginning at Washingtonville, Columbia county, thence by the

nearest and most practicable route by the way of the village of Turbet-Location.
ville, in the county of Northumberland, to the nearest and most convenient point to the borough of Muncy, on the state road leading from Milton to that place; and in case of resignation or refusal to act by either of said commissioners, it shall be the duty of the judges of the court of quarter sessions of the county in which the commissioner resigning or refusing to act resides, to appoint a substitute.

SECTION 2. That it shall be the duty of the said commissioners to meet at the house of John Derr, in the town of Washingtonville, Co- Place of meet-
lumbia county, on the third Monday of June next, or earlier, and after ing-
having made oath or affirmation before some officer authorized to admin- Take oath.
ister the same, faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground over which the proposed road is to pass, and lay out the said road upon the best and most practicable route, having regard to the public accommodation, the crossing of streams, the damage to private property, and the nature of the ground, so that a good road may be had; and it shall be the duty of said commissioners to plainly and carefully mark the route agreed upon.

SECTION 3. The commissioners herein named shall receive a per diem allowance of one dollar and fifty cents for each day they and each of them shall be necessarily employed in performing the duties under this act; and they are authorized to employ one surveyor, who shall receive Pay of commis-
Surveyor, pay of.
a per diem allowance of two dollars, and two chain-carriers and one axe-man, at one dollar and fifty cents each.

SECTION 4. The said commissioners shall on or before the first day of January next, make out three drafts of said road as located, whereon Drafts.
shall be noted the courses and distances, the crossing of streams, of county and township lines, one of which shall be forwarded by mail to the secretary of the commonwealth, to be filed in his office as a matter of record, and one to be filed in the office of the clerk of the court of quarter sessions in the respective counties through which the road may pass; and from the time of such filing, as last stated, the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as hereinafter provided. To be filed.

SECTION 5. That it shall be the duty of the supervisors of the several townships in the counties through which the said road authorized to be laid out by the foregoing sections of the act aforesaid, shall pass, upon notice being given, to proceed at once to open and make said road as other roads are opened and made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine of not less than twenty-five dollars, to be collected as other fines are collected; and said fine shall be appropriated to the use of said road; and the justice of the peace before whom information shall have been lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties prescribed by this act. Duties of the supervisors of townships through which the road passes.

SECTION 6. That the commissioners appointed by or in pursuance of this act, shall have power to vacate any road or part of road which may be rendered useless by the location of the road hereby authorized; Power to vacate roads.
and shall have the power to change the location of any part of the road now in use between the points mentioned in this act.

SECTION 7. That the accounts of said road commissioners for their own pay and the pay of those directed to be employed by them under this act, shall be adjusted by the county commissioners of the counties through which the said road may pass, and paid out of the treasuries of the same, according to the time actually required to locate the road within the respective counties. Accounts.

Supervisors of
Wayne town-
ship, Mifflin
county, relative
to.

SECTION 8. That the supervisors of Wayne township, in the county of Mifflin, shall cause the taxes assessed for road purposes in said township, to be paid and expended in the making and repairing public roads in the manner now provided for by law; and the thirteenth section of an act approved the fifth day of April, A. D., one thousand eight hundred and forty-nine, be and the same is hereby repealed.

Franklin railroad
company.

SECTION 9. That for the purpose of giving to the creditors of the Franklin railroad company, which was incorporated by the act of twelfth of March, A. D., one thousand eight hundred and thirty-two, a more effectual remedy for the recovery of their debts, and preventing, as far as practicable, the said road from falling into a state of dilapidation, Samuel D. Culbertson, Joseph Snively and William Heyser, of the county of Franklin, are hereby appointed trustees to sell the Franklin railroad, situated in said county: *Provided*, That as many of the creditors of said company as hold one-half of its indebtedness, shall apply to the court of common pleas of said county for an order for the sale of said road; and the said court is hereby empowered, on such application, to issue an order of sale to the said trustees, who, before entering on their duties, shall give such bond or other security for the faithful discharge thereof, as the said court may require; the said order of sale may be continued or renewed as often as the court shall judge expedient; and shall appoint and fix the time and conditions of the sale, and confer full power on the said trustees to sell and convey the said railroad to the highest and best bidder, together with all the rights, franchises, privileges and advantages possessed by the said Franklin railroad company under its charter and the act of incorporation; the said sale shall be subject to the same notice by publication in the newspapers, and the same acknowledgment of the deed and distribution of the proceeds according to law, among the creditors, after deducting therefrom the expenses of the sale and a reasonable compensation for the trustees, as are now required and directed by law in relation to sheriff's sales for the payment of debts; and shall, also, in like manner be subject to the decrees, control and confirmation of said court: *Provided further*, That the purchaser or purchasers of said road, and their vendees and assigns, shall have full power to conduct and manage the business to be done on said road, by such agents and officers as he or they may deem necessary to appoint, who shall be invested with the same rights, privileges and powers, and be subject to the same duties that are conferred and enjoined on the officers of said company by the charter and act of incorporation, and may also use the corporate name and seal of said company; and shall be vested with all its rights and privileges, and be subject to all the restrictions now imposed upon said company in respect to tolls and freight, and hold and enjoy the said road with all the said franchises, rights and privileges, free and discharged from all debts and incumbrances by said sale: *Provided also*, That it shall not be lawful for the said purchaser or purchasers, or their vendees or assigns, to use and occupy the ground in which the said railroad is laid out, for any other purpose than that of accommodating the public by a railroad; nor to sell, destroy or remove the iron rails, bridges and superstructures of the present road, unless with a view to make repairs in the same, or re-lay it: *And provided further*, That the said court making the order of sale shall have power to supply any vacancy that may happen by the death, renunciation or resignation of all or any of the trustees herein named.

Relative to sale
of.

Proviso.

School directors
of the South
ward of the bor-

SECTION 10. That the school directors of the South ward of the borough of Harrisburg, Dauphin county, be and they are hereby authorized to borrow a sum of money not exceeding two thousand dollars, with

which to erect additional school houses; and they are hereby empowered to mortgage any property belonging to said school district for the amount so borrowed.

SECTION 11. That Lehman street, south-west of the north-east line of the Philadelphia alms-house estate, in Blockley township, Philadelphia county, be and the same is hereby vacated.

SECTION 12. That from and after the passage of this act it shall be the duty of the managers for the relief and employment of the poor of the borough of Manayunk, in the county of Philadelphia, to make annually, on the first Monday of March, a statement of the receipts and expenditures of said managers; and it shall be the duty of the committee on accounts of said council of Manayunk, to audit and adjust the same.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 309.

AN ACT

Relating to Alsace township, Berks county; to the borough of Pinegrove, Schuylkill county; relating to the collection of borough taxes in the borough of Milton, Northumberland county; to the Fire insurance company of Northampton county; fixing the place of holding the elections in Wiconisco township, Dauphin; erecting the borough of Prospect, Butler county, into a separate school district; authorizing George Ritter and Rees Evans to sell certain real estate; and changing the place of holding the elections in Brady's Bend township, in Armstrong county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following described part of Alsace township, in the county of Berks, shall be and is hereby separated from the said township of Alsace, and annexed to the township of Cumru, in said county, to wit: beginning at the river Schuylkill, where the line dividing the city of Reading and Alsace township strikes the said river, on lands of Isaac Eckert and company, called the Henry Clay furnace property; thence along said line dividing the said city of Reading and Alsace township, by a course north sixty-nine degrees east one hundred and fifty-six perches to a stone heap, a corner of the said city of Reading and Alsace township, and being also a corner of lands late of Riah Gilson and Peter Strohecker, on the brow of the Never Sink mountain; thence through lands of the said Peter Strohecker, Michael Hawk and company, Wil-

ough of Harrisburg, authorized to borrow money.

Lehman street, Philadelphia county, vacated.

Managers of the poor of Manayunk, Philadelphia county, to make annual statement.

Part of Alsace township, Berks county, attached to Cumru township.

liam High and the Philadelphia and Reading railroad company, south twenty-eight degrees east two hundred and twenty-three perches to the river Schuylkill; thence up said river to the place of beginning.

Relative to school tax in said township.

SECTION 2. That all school tax which may be and is now due and unpaid by the inhabitants of that part of Alsace township, which by the provisions of this act is separated from the said township of Alsace, and annexed to the township of Cumru, shall be paid by them to the collector of school tax for the township of Cumru.

Borough of Pinegrove, additional powers granted to.

SECTION 3. That the burgess and town council of the borough of Pinegrove, in the county of Schuylkill, are hereby authorized and empowered to make and pass all ordinances which they may judge useful and necessary to require the owners or occupiers of the several lots or pieces of ground in the said borough, which are bounded upon or adjoining any of the streets in the said borough, to curb with suitable stone; and also to shape, form and lay or pave with brick, flat stone or plank, the respective side-walks opposite to their respective lots or pieces of ground, which the said council may at any time judge necessary to be paved, in such manner and at such times and under such penalties as shall be directed by said ordinances.

Side-walks, relative to.

SECTION 4. That whenever the town council of the said borough of Pinegrove, shall by their ordinances require that the side-walks of any of the streets in said borough shall be curbed or paved as aforesaid by the owner or owners, occupier or occupiers, of any of the said lots or pieces of ground adjoining, fronting or bordering on any of the streets required to be paved and curbed; and whenever in consequence of the default of such owner or owners, occupier or occupiers, the expenses of such curbing and paving shall have been or shall be incurred by the said borough of Pinegrove, in all cases such lots of ground shall be held liable and subject to the payment to the said borough incurred or borne, together with the penalties and costs by law provided; and that it shall be lawful for the said town council of the borough of Pinegrove, to file their lien for the same in the court of common pleas of Schuylkill county; and the lien hereby erected shall have priority to any mortgage, judgment, recognizance or liability which the said real estate may become liable to after the passage of this act; and the amount secured by the same shall be recovered by scire facias as debts are now recoverable under the mechanics' lien law, in the corporate name of the said borough of Pinegrove: *Provided*, That such lien shall be filed within sixty days after such expenses are incurred by the said borough, and shall recite the name of the owner or owners, or reputed owner or owners or occupiers of such lots of ground.

Liens.

Proviso.

Streets, lanes and alleys declared highways.

SECTION 5. That all the streets, alleys and lanes within the said borough of Pinegrove, heretofore opened for public use by private persons, and all streets, alleys and lanes which have been laid out for the accommodation of the purchasers of lots or pieces of ground in the said borough of Pinegrove, shall be considered and deemed highways, as fully and to all intents and purposes as the highways laid out by order of the court of quarter sessions, or any other court of this state, so that the said town council by ordinance may at any time when they shall deem it necessary, have power and authority to open and improve all the streets, alleys and lanes given for public use, and laid out for the accommodation of the purchasers of the lots or pieces of ground as aforesaid.

Persons not allowed to build before making application to the regulator.

SECTION 6. That no person or persons whatsoever shall after first day of May, one thousand eight hundred and fifty, lay the foundation of any building within the limits of the said borough of Pinegrove, before they have applied to the surveyor or regulator to be appointed by the

said borough council; and the said town council are hereby authorized to appoint one discreet and capable person as such surveyor or regulator, who shall have full power to set out the foundations of any building or buildings, and regulate the fronts of the same, so as to correspond with the width and limits of the streets now laid out, or that may hereafter be opened or laid out in the said borough of Pinegrove.

SECTION 7. That the said town council of the borough of Pinegrove are hereby authorized and empowered to borrow any sum or sums of money not exceeding in the whole one thousand dollars, which they may deem necessary for the purpose of curbing and paving the *the* sidewalks, and of opening and improving the streets, lanes and alleys thereof, according to the fourth and fifth sections of this act, or for other necessary borough purposes, in the name and upon the faith, credit and responsibility of the corporation of the borough of Pinegrove aforesaid, to issue certificates of such loan or loans to the holders thereof, in sums not less than fifty dollars each, and to make such provision from time to time, out of the taxes of said borough, as may be necessary to pay the interest upon such loan or loans, and to redeem the principal at such times and in such manner as may be conformable to the terms upon which the same may be taken.

SECTION 8. From and after the passage of this act the collector of the borough taxes of the borough of Milton, in Northumberland county, shall, under the precept or tax warrant signed by the chief Burgess of the said borough, have the same power to collect the said taxes that the collectors of county rates and levies have under the act of fifteenth of April, one thousand eight hundred and thirty-four, entitled "An Act relating to county rates and levies and township rates and levies:" *Provided however*, That such precept or warrant shall be valid to authorize the collection of such taxes during the period of nine months from its date, and no longer: *And provided moreover*, That in all cases where such taxes shall remain due and unpaid to such collector after his warrant has expired as aforesaid, and he has not been legally exonerated from the payment thereof, such collector or his administrators or executors, or any of them, may sue for and recover the said taxes, with interest from the date of his warrant, from all and every person and persons, bodies politic and corporate, owing the same, as other debts of like amount are now recoverable by law; and the said collector shall be accountable for said borough taxes as county collectors are accountable for county rates and levies under the aforesaid act of assembly.

SECTION 9. That from and the passage of this act, the moneys and funds of the Fire insurance company of Northampton county, arising from premiums on policies of insurance, as well as all bonds, notes, mortgages, or other securities taken by the said company for premiums of insurance, or for moneys received for such premiums, and loaned out or invested, shall be exempted from taxation for county, borough or school purposes.

SECTION 10. That hereafter the qualified electors of the township of Wiconisco, in the county of Dauphin, shall hold their elections at school house, number three, in said township.

SECTION 11. That the borough of Prospect, in the township of Franklin, and county of Butler, be and the same is hereby erected into a separate school district, to be called "Prospect district," and as such shall have all power to elect such officers, and have all the rights and privileges granted by law to other school districts; and the elections thereof shall be held in the school house in said borough, and on the day and the manner provided for by law for holding the elections in the adjoining districts; and the qualified citizens of said district shall, at their

Town council
authorized to
borrow money.

Powers of the
collector of taxes
of the borough
of Milton,
Northumberland
county.

Certain funds of
Fire insurance
company of
Northampton
county, exempt
from taxation,
except.

Wiconisco town-
ship, Dauphin
county, place of
holding elections
in.

Borough of
Prospect erected
into a separate
school district.

first election, elect six school directors for the said district, two to serve for one year, two to serve for two years, and two to serve for three years: *Provided*, That the first election shall be held on the first Monday in June, one thousand eight hundred and fifty, to be conducted by two qualified citizens chosen by the qualified citizens then present; and the successors of said directors shall thereafter be elected in the manner provided by law for other school districts: *And provided*, That John Jones and Charles Henshaw shall have the privilege of said borough schools, as if they resided within the limits of said borough.

Guardian of the
minor children of
Abraham Ritter,
deceased, author-
ized to sell cer-
tain real estate.

SECTION 12. That George Ritter, guardian of Elizabeth Ritter, and Susanna Ritter, minor children, and two of the heirs-at-law of Abraham Ritter, late of Centre township, in the county of Berks, deceased, be and he is hereby authorized and enabled to sell and convey, in fee simple or otherwise, the estate, right, title and interest, whatever it may be, of the said minors and of each of them, of, in and to the undivided one-third part of six contiguous tracts of land, situated in Pinegrove township, Schuylkill county, bounded by lands of John Knoll, John Lucken, John Leshner, Philip Riegle and others, containing in the whole two thousand six hundred acres, more or less, with all and singular the appurtenances which said undivided one-third part was sold by Henry Raush, Esq., of Schuylkill county, to the said Abraham Ritter, in pursuance of a testatum venditioni exponas writ, issued out of the court of common pleas of Union county, and tested the twenty-fourth day of February, one thousand eight hundred and thirty-five, as late the estate of Samuel Kendall, deceased; and the deed or deeds of conveyance therefor executed, acknowledged and delivered by the said guardian to the purchaser or purchasers, his, her or their heirs or assigns, shall be deemed and taken to pass and convey all the estate, right, title and interest of the said minors and each of them, whatever it may be, of, in and to the said real estate, and to have the same force and effect as if the said minors were of full age, and the same was or were duly executed, acknowledged and delivered by them: *Provided*, That no such deed or deeds shall be made until the said guardian shall make report of the sale or sales to the orphans' court of said Berks county, and the same shall be approved of and confirmed by the said court, and the said guardian shall have given security, to be approved of by the said court for the faithful application or investment of the proceeds of sale, for the equal benefit of the said two minors.

Guardian of Ed-
ward Brooke
Evans and Sarah
Jane Evans, au-
thorized to sell
certain real es-
tate.

SECTION 13. That the guardian now or hereafter appointed of Edward Brooke Evans and Sarah Jane Evans, of Birdboro' in Berks county, be and he is hereby authorized and enabled to sell and convey in fee simple, to Charlemagne Tower, of Orwigsburg, in Schuylkill county, all the estate, right, title and interest, whatever it may be, of the said minors, and of each of them, of, in and to all that certain tract or body of land, situate, lying and being in the county of Schuylkill, formerly Berks, in the state of Pennsylvania, which was sold by John Christ, esquire, high sheriff of the county of Berks aforesaid, to John Lewis Barde, under and by virtue of an alias venditioni exponas writ, issued out of the court of common pleas of said Berks county, at the suit of said John Lewis Barde and others, against James Wilson, esquire, tested on the twelfth day of November, in the year of our Lord, one thousand seven hundred and ninety-six, and returnable, number thirty-one, January second, one thousand seven hundred and ninety-seven, and which in a certain deed from said John Christ, high sheriff as aforesaid, to said John Lewis Barde, dated, as is believed, on the first day of February, in the year of our Lord, one thousand seven

hundred and ninety-seven, and acknowledged on that day, or in the entry of the acknowledgment thereof, to be seen in the prothonotary's office of said Berks county, in sheriff's deed book, number two, page sixty-two, is described as follows, to wit: as "a certain tract of woodland, situate in the township of Pinegrove, in the county aforesaid, (county of Berks meaning,) containing two thousand four hundred acres, more or less, adjoining lands of John Snell and company, William Witman, John Kapp, Jacob Stone, George Felty, George Stone, John Nicholson, Esq., Robert Martin, Esq., Daniel Williams, John Lesher and others, late the estate of James Wilson, esquire, seized and taken in execution at the suit of John Lewis Barde and others, and is embraced and contained, or was intended to be embraced and contained within the said description, be the same more or less, with all and singular the appurtenances; and the deed or deeds of conveyance therefor executed, acknowledged and delivered by the said guardian to the said Charlemagne Tower, his heirs and assigns, shall be deemed and taken to pass and convey all the estate, right, title and interest of the said minors, and of each of them of, in and to the same, and to have the same force and effect as if the said minors were of full age, and the same was or were duly executed, acknowledged and delivered by them: *Provided*, That before making any such conveyance, the sale or sales hereby authorized shall have been reported to and approved by the orphans' court of Berks county: *And provided also*, That before making any such conveyance, the said guardian shall give bond to the commonwealth in such sum and with such sufficient surety as shall be directed and approved by the said orphans' court, conditioned that he will faithfully apply the moneys arising from such sale or sales, to and for the equal benefit of the said two minor children.

SECTION 14. That the qualified electors of Brady's Bend township, Armstrong county, shall hereafter hold their general and township elections at the public school house, in school district, number four, in said township, near the public house now kept by James Morrison.

Brady's Bend township, Armstrong county, place of holding elections in.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 310.

AN ACT

To incorporate the Erie cemetery, in the county of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Corporators.	Charles M. Reed, James C. Marshall, John Galbraith, Smith Jackson, William Kelley, Milton Courtright, B. B. Vincent, William Himrod, Joseph M. Sterrett, George A. Elliot, Thomas G. Colt, William A. Brown, Judah C. Spencer, Priscott Metcalf, Elijah Babbitt, Joseph H. Williams, Henry Cadwell, Charles M. Tibballs, Frederick Schnieder, Walter Chester, George A. Lyon, Peter E. Burton, Alexander W. Brewster, William Nicholson, Irvin Camp, William W. Reed, Presley Arbuckle, John A. Tracy, James Skinner, John Hughes and Miles W. Caughey be and they and their successors are hereby created a body politic in law, under the name and title of "The Erie cemetery," and by that name and title shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, implead and be impleaded in all courts of law and equity, and to do all such other things as are incident to a corporation.
Style.	
Privileges.	
Annual meeting.	SECTION 2. The annual meeting of the corporation shall be held on the second Monday of January in every year, at such time and place and on such notice as shall be provided for in the by-laws, at which annual meeting it shall be the duty of the corporators to fill all vacancies that may occur in their number, from among the lot-holders in the cemetery, the same being citizens of the county of Erie; and at such annual meetings said corporation shall have full power and authority, by a vote of the majority of the corporators present, to pass, ordain and establish all such by-laws, rules and regulations not contrary to the constitution and laws of the United States and of this state, which may be necessary for the proper government of the corporation, its officers and affairs, the protection of the cemetery and grounds from visitors and intrusion, for the regulation of burial, the improvement of burial lots, the erection of grave stones, monuments and sepulchral structures, and the inscriptions on the same.
Power of corporators.	
Board of managers.	SECTION 3. The business of the corporation shall be conducted by a board of seven managers chosen from the body of the corporators, as is hereinafter provided; said board of managers (five of whom shall constitute a quorum necessary for the transaction of business,) shall choose a president out of their own number, and shall have power to appoint a secretary and treasurer, and such other officers and agents as may be needful; to fix their compensation and wages and discharge the same at pleasure; to take security from the treasurer for the faithful performance of his trust; to enforce and carry into execution all the by-laws, rules and regulations of the corporation, and to do all other acts necessary within the power conferred upon the corporation by this or any other act; the first election of managers may be held at any time that a majority of the corporators shall appoint, on their giving at least ten days' previous notice, in at least two newspapers printed in Erie, which election and all subsequent elections of managers shall be by ballot; the managers thus chosen shall serve until the next annual meeting of the corporation, when and annually thereafter, the corporators present shall elect a board of managers to serve for one year, and until their places are supplied in case of failure to elect; said board of managers shall cause a record of their proceedings to be kept, and shall make report of the same and the state of the finances at each annual meeting of the corporation, and as much oftener as may be required by a majority of the corporators.
Quorum.	
Powers.	
Purchase lands, &c.	SECTION 4. The said corporation shall have power to contract for, purchase, pay for, receive title and hold any tract or tracts, or other quantity of land within the county of Erie, not exceeding in the whole one hundred acres, for the purposes of a cemetery; and the same to lay out, fence and ornament, to divide and arrange it into suitable plots and

burial lots, establish carriage-ways and foot-ways, and other avenues, erect buildings, and to do all other things necessary and proper to be done to adapt the ground and premises to the uses aforesaid, and to sell and dispose of said lots and plots, making title in fee simple or otherwise, for the purpose of sepulture, to individuals, societies or congregations or other public bodies, without distinction of person, party or sect, under such conditions, rules and regulations as the said corporation may establish for the government of lot owners in the occupancy of the same, not inconsistent with the provisions of this act: *Provided*, That all the land thus purchased and held by the corporation, or so much as shall be laid out and appropriated to cemetery purposes, shall not be converted to any other use, either by the corporation or its grantees; and all the land thus purchased and held by the corporation or by its grantees, for burial purposes, shall be free from all taxes except for state purposes, and from seizure, levy and sale, under or by virtue of any execution or other legal process against the said corporation or its grantees: *Provided*, That said exemption from seizure, levy and sale, shall not extend to more than four lots held by any one individual.

Proviso.

SECTION 5. That the corporators thus created shall derive no personal pecuniary advantage or profit thereby; they shall make no dividends of the corporate property among themselves, and shall not receive any pay or compensation for the performance of any duties that shall devolve upon them as such; the board of managers shall not be entitled to receive any pay or compensation for services as such; the whole proceeds of the sale of lots and other income, are hereby declared and directed to be devoted and appropriated to cemetery purposes alone, and to such outlays and expenditures as are incident thereto, unless in case of a surplus not needed, in which contingency it shall be in the power of the corporators, at their annual meeting, to direct such surplus or any part thereof to be appropriated to charitable purposes under the direction and supervision of the board of managers.

Dividends.

Managers to receive no pay.

SECTION 6. The corporation shall be capable of holding personal property to such an amount as may be necessary for the purposes of its creation; and it shall be the duty of the corporation, at the end of five years from the passage of this act, and forever thereafter, to set apart ten per cent. of the purchase money received from the sale of lots, and to invest the same in ground rents or mortgages, as a permanent and perpetual fund, the income of which is to be devoted to the perpetual maintenance of the cemetery; any failure in the duties enjoined by this act shall subject the corporators and managers to the control of competent judicial authority for correction.

May hold personal property.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 311.

A N A C T

To erect the village of Doverville, in the county of Philadelphia, into a borough, by the name and title of "The commissioners and inhabitants of the borough of Aramingo, in the county of Philadelphia;" and relating to the Philadelphia House of Refuge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of that part of the township of the unincorporated Northern Liberties, in the county of Philadelphia, known as the village of Doverville, and farm land adjacent thereto, and included within the boundaries hereinafter designated, be and the same are hereby erected into a borough which shall be called the borough of Aramingo; and the said inhabitants and their successors forever, are hereby constituted a body politic in law and in fact, by the name and style "The commissioners and inhabitants of the borough of Aramingo, in the county of Philadelphia," and by the same name shall have perpetual succession, and they and their successors shall at all times forever be able and capable to purchase, hold, take, receive, possess and enjoy lands, tenements, liberties, franchises, jurisdictions, chattels and effects, and the same to grant, sell, alien, convey *and* at their pleasure; and by the name aforesaid are and forever shall be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts and jurisdictions within this commonwealth, in all manner of actions, suits, pleas, complaints, causes and matters that to them as a body politic shall and may appertain, and to have and use one common seal.

Name.

Style.

Privileges.

Boundaries.

SECTION 2. The boundaries and limits of the said borough shall be as follows: beginning at a point on the western side of Salmon street, at the intersection of the contemplated boundary line of Bridesburg; thence extending along said contemplated line north-westwardly to the centre of Frankford creek; thence along the centre of Frankford creek the several courses thereof to a point opposite the northern line of the land of Anna Stewartson; thence extending along the northern boundary line of the land of said Anna Stewartson, north fifty degrees east two perches, south forty-two degrees east sixteen perches, south sixty-three degrees east forty-eight perches, north sixty-three and three-fourth degrees east thirty six and two-tenths perches to a point where the north line of the Front street road intersects Nicetown road; thence extending down the western side of said Front street road to its intersection with Hart lane; thence along the southern side of said lane to Emerald street; thence along said Emerald street to its intersection with the north-easterly line of Westmoreland street; thence along the said line of Westmoreland street to the westerly line of Salmon street; thence along the line of said street and continuing that course to the place of beginning.

Elections.

SECTION 3. The inhabitants of the said borough being qualified to vote for members of the general assembly, shall meet at the Black Horse tavern, kept by widow Hardman, between the hours of twelve

o'clock and eight o'clock afternoon, on the first Monday of May next, to choose by ballot, out of the qualified electors of said borough, in the manner prescribed by law for the election of members of the house of representatives of this commonwealth, three persons to serve as commissioners of the said borough for one year, or until their successors shall be lawfully elected as herein directed; and in each and every year thereafter the said electors shall, on the third Friday in March, and at such place as shall be designated by the board of commissioners, between the hours above mentioned, elect three persons to serve as commissioners for one year, and until their successors shall be lawfully elected, as may be necessary to supply the places of those of the commissioners whose terms of office may have expired; all elections to be held pursuant to this act, shall be conducted by one judge and two inspectors, to be chosen as other judges and inspectors of elections are now chosen in other incorporated districts in the county of Philadelphia; and the said judges and inspectors when chosen, and before entering on their duties, shall take an oath or affirmation before some justice of the peace of said county, well and truly to perform the duties of their office to the best of their ability; the said commissioners who shall be elected on the first Monday in May next, shall meet together at the Black Horse tavern, kept by widow Hardman, on the first Thursday after their election, between the hours of three and six o'clock afternoon, and shall then severally take an oath or affirmation before a justice of the peace of said county, to perform the duties of their office to the best of their judgment and ability; and the said commissioners who shall be elected in each year thereafter, together with the commissioners whose terms of office shall not have expired, shall meet at the place appointed for such meeting on the Thursday succeeding such election, and shall be qualified in the manner hereinbefore directed.

Commissioners.

Officers of election.

SECTION 4. The sheriff of the county of Philadelphia shall give five days' notice of the election for commissioners, to be held on the first Monday in May next, by printed handbills posted in ten or more of the most public places in said borough; and for the purpose of conducting said election according to the intent and meaning of this act, Charles Stewart shall serve as judge, and Joseph Cauffman and A. K. Calhoun shall serve as inspectors of said election.

Notice to be given by sheriff.

SECTION 5. The said borough shall have all the powers, and be subject to all the restrictions contained in the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth sections of an act, entitled "An Act to erect the village of Bridesburg, in the county of Philadelphia, into a borough," approved April first, one thousand eight hundred and forty-eight.

Provisions of certain act extended to this act.

SECTION 6. The said board of commissioners shall have full power and authority to lay any tax, not exceeding one and one-half mill on the dollar, on the value of all property assessed within the limits of the said borough, agreeably to the present assessment, or any future assessment to be made by the assessors of the township; and also, on all persons residing within the limits of the said borough, and upon their occupations, to be applied to the expenses of the said corporation; and they are hereby invested with like powers to collect the same as are now exercised in the collection of the county tax in this commonwealth; and the said taxes when collected, shall be paid to the treasurer of the said borough, for the use of the said corporation: *Provided*, That the property within the limits of said borough, and the inhabitants there residing, shall not hereafter be assessed or bound to contribute towards any tax for the maintenance and repair of any roads or highways other than those hereinbefore provided.

Assessment of tax.

SECTION 7. That the power and charge of the managers of the House of Refuge, of Refuge over the inmates of that institution, shall extend in the case relative to admission into, of females, who on their admission may be sixteen years of age, to the age of twenty-one years; and that so much of any law or laws of this commonwealth as conflict with the provisions of this section, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 312.

A N A C T

Authorizing the appointment of an auctioneer or auctioneers in the borough of Easton; and relative to the claim of Samuel Rice, of Chester county; to incorporate the Art Union of Philadelphia; relative to short measure and weight in the sale of dry goods and groceries; and to the fees of the sheriff of Philadelphia county.

**Auctioneers for
the borough of
Easton.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of June next, when any citizen of this state residing in the borough of Easton, shall have paid into the treasury of this commonwealth the sum of twenty-five dollars, and shall have filed in the office of the secretary of the commonwealth, his bond, with two or more sufficient sureties, to be approved of by the judges of the court of common pleas of the county of Northampton, or any two of them, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of an auctioneer, and for the payment of all duties and taxes which may become due to the commonwealth in consequence of his exercising the trade or occupation of an auctioneer, the governor shall thereupon grant to such citizen a commission in legal form authorizing him to make sales by auction according to law, of all and every kind of merchandize, estate and property at any place within the limits of the borough of Easton, for the term of one year from the date of said commission.

Tax on sales.

SECTION 2. Said auctioneer or auctioneers shall pay into the treasury of the commonwealth, a tax or duty of one-quarter per cent. on all sales of loans or stocks, and one-half of one per cent. on all other sales to be made as aforesaid.

**Penalty for mak-
ing sales without
commission.**

SECTION 3. If any person not commissioned and authorized as aforesaid, shall after the said first day of June next, make sale by auction

or public out-cry of any merchandize, estate or property whatever, or shall in any manner use or exercise the business or occupation of an auctioneer within the limits of said borough of Easton, he shall upon conviction thereof for every such offence, forfeit and pay not less than one hundred, nor more than three hundred dollars, to be recovered in any court having jurisdiction thereof as debts are by law recoverable; one-half for the use of the directors of the poor and of the house of employment of the county of Northampton, and the other half for the use of the commonwealth: *Provided*, That this act shall not apply to sales by sheriffs, constables, executors or administrators, which may be conducted as heretofore.

SECTION 4. That the canal commissioners be and they are hereby authorized and required to examine the claim of Samuel Rice, of Chester county, for damage done his cars by the collision of two trains on the Philadelphia and Columbia railroad, and if they find said damage was caused by the carelessness or inattention of the state officers, shall proceed to assess the same and report to the legislature.

Canal commissioners authorized to examine claim of Samuel Rice.

SECTION 5. That James M'Murtrie, William D. Kelly, Charles Macalister, James S. Wallace, John Sartain, Charles Toppen, John Towne, H. B. Wallace, John Notman, E. H. Butler, Richard Vaux, Henry Reed, Henry C. Cary, Henry S. Patterson, Charles G. Leland, Thomas J. Natt, Isaac B. Baxter, junior, Henry D. Flickwir, George Harding, William H. Crump, their associates and successors are hereby erected into a body politic and corporate in deed and in law, by the name and style of "The Art Union of Philadelphia, for the promotion of the arts of design in the United States," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all the courts of law and elsewhere, to have a common seal, to make contracts, and to take and hold any real or personal estate conveyed to them by gift, grant, bargain and sale, devise, or other alienation whatsoever, and sell and convey the same: *Provided*, That the clear yearly value of the lands, tenements or other real estate of the said corporation, shall not exceed the sum of three thousand dollars.

Corporators.

Style.

Privileges.

SECTION 6. The objects of this association shall be the encouragement of the arts of design, by the dissemination of a correct taste throughout the community, by the purchase of pictures and other works of art by American artists, the distribution of engravings, or by such other means as may be most conducive to the proper fosterage of art: a subscription of five dollars per annum shall constitute each subscriber a member of the association: the affairs of this association shall be conducted by a board of thirteen managers, to be chosen annually, by ballot, on the first Monday in June: the managers shall appoint a president, a vice president, a treasurer, a recording secretary and a corresponding secretary, either from themselves or from the members generally: if from the members such officers shall be ex-officio members of the board of managers, the managers shall have power to supply any vacancies in their own body: the board of managers shall adopt measures for procuring an engraving or engravings from pictures of merit by an American artist, and furnish to the members one impression thereof for every subscription of five dollars paid, after defraying the cost of the engraving and other incidental expenses: the managers shall divide the funds in hand, exclusive of any reserved fund deemed necessary, into a number of sums of various amounts, adapted to the purchase of pictures, or other works of art by living American artists, on exhibition for sale in any accredited public gallery throughout the United States; and such sums shall be represented by certificates, which the managers shall cause to be prepared and reported to the annual meeting for dis-

Object.

tribution by lot among the members: within five days after the distribution, the managers shall furnish certificates to those members to whom they have been awarded, which shall entitle the recipient to select for himself a picture, drawing or other work of art, in accordance with the terms of the association; which certificate, endorsed by the artist from whom the work has been purchased, and accompanied by a full description of the work, and the gallery from whence it was chosen, shall be the treasurer's voucher for the payment of the sum called for: the board of managers, or officers appointed by them, shall receive the subscriptions of members, pay all the demands against the society, and make such disposition of the surplus funds as shall seem to them most conducive to the objects they have in view, the encouragement of art, or shall be specifically directed by the by-laws.

Reservation.

SECTION 7. The legislature may at any time alter, amend or repeal the privileges hereby granted.

Penalty for selling dry goods or groceries containing less than the quantity represented.

SECTION 8. That from and after the passage of this act, whenever any description of manufactured goods, commonly called dry goods or groceries, shall be sold by the piece in packages, or by weight, and the said pieces or packages shall be marked or represented to contain a certain number of yards, pounds or ounces, and the same shall be sold as containing that number or weight, when in fact the said pieces or packages shall contain a less number of yards, or pounds or ounces, than so represented, the seller or manufacturer thereof shall forfeit and pay to the purchaser a sum equal to double the value of the quantity or weight found to be deficient, to be recovered by action of debt in any court of law, or before any alderman or justice of the peace in this commonwealth, in the same manner that debts of like amount are now by law recoverable.

Fees of sheriffs, &c.

SECTION 9. That nothing in the twenty-sixth section of an act establishing a fee bill, passed on the twenty-eighth day of March, one thousand eight hundred and fourteen, shall be deemed or taken to impose upon any sheriff, deputy sheriff or constable, any penalty for taking the fee for service, or copy of any writ of summons, or other original process, at the time of receiving such process to be served.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 313.

AN ACT

To incorporate the Muncy Creek plank road company; relative to tavern licenses in Lycoming county; to taxes in Centre county; to the sale of the estate of Thomas M'Guire, deceased, in Clinton county; and relative to the boundary line of Beaver township, in Jefferson county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Baker Langcake, Simon Schuyler, Jacob Cook, Daniel Clapp, Joseph Gudykunst, Alfred H. Mann, Samuel Craft, Gershom Biddle, Edward Lyon, Isaac Corson, junior, James Taylor, J. Richter Jones, Benjamin Fiester, George Sones and Peter Buck, or any five of them, be and are hereby appointed commissioners to open the books, receive subscriptions and organize a company, by the name, style and title of "The Muncy Creek plank road company," to locate and construct a plank road from the east side of the Muncy canal basin, at Muncy, in the county of Lycoming, via Hughsville, in said county, to the junction of the out-let of Lewis' lake with Muncy creek, near George Sones', in the county of Sullivan, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as they are not inconsistent with this and the following sections.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. The capital stock of said company shall consist of two thousand shares, at twenty-five dollars per share: *Provided*, Said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.

Capital stock.

SECTION 3. That if the said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company, and pay the debts of the same.

Commencement and completion of road.

SECTION 4. That the provisions of the act, entitled "An Act supplementary to the various acts relating to tavern licenses," approved the twenty-ninth day of March, one thousand eight hundred and forty-one, be and they are hereby extended to the county of Lycoming; and that so much of any act as is hereby altered or supplied, be and the same is hereby repealed, so far as relates to the said county of Lycoming.

Provisions of certain act relative to tavern licenses extended to Lycoming county.

SECTION 5. That all state, county, school, road and poor taxes within the county of Centre, which have remained due and payable for a period not exceeding two years, duly levied and assessed, shall be a lien upon all real estate within said county belonging to any person or persons, bodies corporate or politic, in all cases where there is no personal property to be found on said real estate to pay said taxes; and in case of sale of said real estate by the sheriff, on writs of execution, the amount of taxes so assessed and levied, and remaining due and unpaid, shall first be paid out of the moneys arising from said sale.

Taxes in certain county to be a lien, &c.

SECTION 6. That William Fearon, junior, administrator de bonis non with the will annexed of Thomas M'Guire, late of Clinton county, deceased, be and he is hereby authorized and empowered to sell and convey in fee simple, all that certain messuage, tenement and tract of land situate in Lamar township, in the county of Clinton, late the estate of the said Thomas M'Guire, deceased, bounded north by lands of Thomas Furst, east by lands of William Gifford and John Hamlin, south by Nitany mountain, and west by lands of James T. Hale and James Borell, containing one hundred acres and allowance, more or less: *Provided*, That before such sale shall be made, the administrator aforesaid shall give public notice thereof at least twenty days before the day appointed for such sale, by advertisement in at least one newspaper published in the county; and also, by handbills affixed in at least three of the most public places in the vicinity of such estate: *And provided also*, That the said administrator, before he makes sale of said real estate, or executes any of the powers conferred by this act, shall give bond to the commonwealth for the use of all parties interested, in such sum and with such sureties as may be approved of by the orphans' court of Clinton county, conditioned for the faithful appropriation of the purchase money of the said real estate, as may be determined by said court, in pursuance of the provisions of said will.

SECTION 7. That the east line of Beaver township, Jefferson county, is hereby extended north one-half mile (making the east line four miles) to a post; thence west to the Clarion county line; thence south to the place of beginning.

SECTION 8. That the state treasurer be and he is hereby directed to pay to John H. Rush, administrator of the estate of Samuel M. Taylor, late treasurer of Bedford county, out of any money not otherwise appropriated, the sum of one thousand three hundred and eighty-nine dollars and fifty cents, that being the amount overpaid by him whilst treasurer of said county, and which is due him upon settlement of his account with the auditor general.

SECTION 9. That James A. Gibson and James M'Alen, of Allegheny county, and John Gilchrist, of Butler county, be and they are hereby appointed commissioners to view and lay out a state road from a point on the Allegheny and Perrysville plank road, at or near the town of Perrysville, in Allegheny county, to the town of Butler, in Butler county, passing the Allegheny and Butler line at or near the farm of Robert Dodds, to meet in the town of Perrysville on the first Monday of May next, or as soon thereafter as practicable.

SECTION 10. That it shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and to lay out the same as near a straight line between the aforesaid points as the nature of the ground and other circumstances will permit, so that the departure from a horizontal line shall at no point exceed three degrees, except only at the crossing of ravines and streams, when by a moderate filling or bridging the declination of the said road may be preserved within that limit.

SECTION 11. That it shall be the duty of said commissioners plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find and properly construct the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one engineer, at a per diem allowance not exceeding

Administrator of
Thomas M'Guire
authorized to sell
certain real es-
tate.

East line of Bea-
ver township,
Jefferson county,
extended.

State treasurer
authorized to
make a certain
payment to the
administrator of
Samuel M. Tay-
lor, deceased.

Commissioners.
State road.
Location.

Board of commis-
sioners, duties of.

Further duties.

Engineer, pay of.

three dollars, two chain-bearers and one axe-man, at a per diem allowance not exceeding one dollar; and the said commissioners shall each receive a per diem allowance not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed: *Provided*, That no person acting as commissioner under the provisions of this act, shall receive the compensation of engineer in addition to the per diem allowance of commissioner.

SECTION 12. That it shall be the duty of said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the twentieth day of January next, and one copy in the office of the clerk of the courts of quarter sessions of the respective counties in which said road may be laid out, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth of forty feet, and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

Drafts of said road to be filed.

SECTION 13. That the accounts of the said commissioners for their own pay and pay of engineer, chain-bearers and axe-men, shall be made out and returned to the commissioners of the counties in which said road may be located, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way.

Accounts.

SECTION 14. That the said commissioners shall complete the location of said road as soon as practicable; and if any vacancy or vacancies shall occur, by resignation or otherwise, the court of quarter sessions of the county where any vacancy or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duty.

Vacancies, how filled.

SECTION 15. That sums of money may be subscribed and paid into a fund for the purpose of being expended in opening, making and constructing such part or parts, portion or portions of said road, as the majority of them so subscribing may determine; which said sums of money shall be expended under the direction and superintendence of some suitable person appointed by the majority of the persons subscribing; and if at any time hereafter any turnpike or plank road company shall occupy said road, then and in that case said moneys shall be refunded or taken for a portion of the capital stock of such company.

Expenses.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 314.

AN ACT

To repeal the first and second sections of the act of the fifteenth of March, one thousand eight hundred and forty-seven, entitled "An Act to reduce the expenses in Montgomery county, and relative to the treasury of Dauphin county;" relating to the township of Jackson, Luzerne county; to election of school directors in Southwark; to certain streets in Perm district; and to Friedens' church, in Somerset county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the first and second sections of the act of the fifteenth of March, one thousand eight hundred and forty-seven, entitled "An Act to reduce the expenses in Montgomery county, and relative to the treasury of Dauphin county," be and the same is hereby repealed; and from and after the passage of this act, the commissioners and the clerk to the commissioners of Montgomery county, shall respectively receive out of the county treasury the sum of one dollar and fifty cents for each day they shall necessarily attend to the duties of their offices.

SECTION 2. That it shall and may be lawful for the trustees of the proprietors of the township of Jackson, in the county of Luzerne, to lay a rate or assessment not exceeding two mills on the dollar upon all the real estate in said township, for the purpose of defraying the expenses of a certain suit or suits at law now pending, or which may arise between the proprietors of the township of Jackson and the proprietors of Plymouth, touching the school money in dispute between said townships; and the said rate or assessment to levy from time to time as by the trustees may be deemed expedient and necessary; the said rate or assessment shall in every case be levied upon the basis of the last adjusted valuation made for the purpose of regulating county rates and levies; and the said trustees in levying the same, shall take to their assistance the proper township assessor for the time being, whose duty it shall be to furnish a correct copy of the last adjusted valuation of real estate in the township as aforesaid, and to give his aid in making such assessments.

SECTION 3. The said trustees shall cause the rates or assessments thus by them laid, to be entered in a book to be prepared for the purpose, which shall be signed by them and be deposited with the secretary of the corporation, subject to inspection by any person or persons at all reasonable times; and they shall cause fair duplicates of the said rates or assessments to be made, which shall be signed by them, and shall issue their warrants, under their hands and seals, or the hands and seals of a majority of them, to the collector of county rates and levies for the said township of Jackson, for the time being therein, and thereby authorizing him to demand and receive from every person in such duplicate named, the sums wherewith such person stands charged.

SECTION 4. It shall be the duty of the collector of county rates and levies for the said township of Jackson for the time being, to collect the rates or assessment thus laid as aforesaid, and the same to pay to the treasurer of the said corporation; and to this end shall be invested with

Commissioners of
Montgomery
county, pay of.

Trustees of Jack-
son township,
Luzerne county,
authorized to lay
a rate or assess-
ment for certain
purposes.

Said rates or as-
sessments to be
entered in a
book.

Collector of said
township, duty
of.

all the privileges, powers and process, and subject to all the liabilities incident to to him as collector of county rates and levies; and the auditors of the said township for the time being, are hereby authorized to audit and adjust the accounts of the said treasury, trustees and collector, as to all matters and business by them transacted under the provisions of this act.

SECTION 5. That the commissioners of the district of Southwark shall, between the first and twentieth day of May, A. D., one thousand eight hundred and fifty, elect nine additional directors of the public schools for the third section, first school district of Pennsylvania; and the said additional directors to be elected as aforesaid, shall, before entering upon their duties, determine by lot from among their number the three directors whose terms of service shall expire on the thirtieth June, one thousand eight hundred and fifty-one, and the three directors whose term of service shall expire on the thirtieth June, one thousand eight hundred and fifty-two, and the three directors whose term of service shall expire on the thirtieth June, one thousand eight hundred and fifty-three; and it shall be the duty of said commissioners of Southwark, between the first and twentieth of May, to elect annually six directors of public schools for the said section to serve for three years: the first annual election of said six directors shall be held between the first and twentieth of May, one thousand eight hundred and fifty-one, instead of the time now fixed by law.

Additional school directors for the district of Southwark.

SECTION 6. So much of the streets marked on the plan of the incorporated district of North Penn township, in the county of Philadelphia, as passes through the property owned and occupied by the rector, wardens and vestrymen of the church of Saint James, the less, be and the same is hereby vacated and laid aside forever.

Certain streets in North Penn township, Philadelphia county, vacated.

SECTION 7. That the first section of an act, entitled "An Act vesting a title to sixty acres of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans," be so amended and construed as to vest the title to said land in the trustees and their successors in office, of the German Reformed and Lutheran congregations worshipping at Friedens' church, in the township and county aforesaid.

Certain title to lands vested in the German Reformed and Lutheran churches in Somerset township, Somerset county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 315.

AN ACT

To incorporate the town of Georgetown, in the county of Beaver; and relative to the authority of the councils of Philadelphia over certain streets; and to the Manor turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Georgetown, in the county of Beaver, and territory included within the following boundaries to wit: Commencing at the centre of the Ohio river; thence south to a walnut (marked) at the line of Samuel Smith, on the bank of said river; thence south nine degrees west one hundred and nine perches to a post; thence south seventy-one degrees west to a point on said line parallel with the centre of Market street; thence by a direct line to the south-west corner of the town plot of Georgetown; thence northwardly along the line of said town plot to an extension of said town, laid out by R. D. Dawson and others; thence westward along the line of the town lots last mentioned, to the south-west corner of said extension or addition; thence north to the centre of the Ohio river; thence eastward along the centre of said river to the place of beginning.

Boundaries.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one month immediately preceding the election, shall, on the third Friday of May next, and annually thereafter on the same day which now is or hereafter may be fixed by law for the election of constable and other township officers within this commonwealth, meet at the school house in said borough, and then and there between the hours of one o'clock and seven o'clock in the afternoon, elect by ballot one of the citizens, who shall be styled the burgess of said borough, and four other citizens to be styled the town council, one street commissioner and one justice of the peace, all of whom shall be residents of said borough; which election shall in all respects be conducted in the same manner as is provided for the election of township officers within this commonwealth, and shall be subject to the same penalties for malpractices, except that the certificates of the election of burgess and town council, and other borough officers, shall be filed among the records of the corporation; and duplicate certificates of said election shall be signed by the judges, one of which shall be transmitted to each of the persons elected: *And provided,* That in case of death, resignation, removal or refusal to accept of any of said offices, the vacancies may be supplied by a new election in all cases where by the existing laws there is not provision made for supplying vacancies by appointment: *And provided further,* That for the first election to be held under this act, it shall be the duty of Samuel Smith, James Todd and Adam Poe, or any one of them, to give notice and perform all the duties enjoined upon constables by the existing laws relative to township elections; and in case no election shall be held on the first day mentioned, they shall appoint some other day and perform the said service; but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be pre-

Annual election.

Burgess and town council.

Proviso.

sent at the time and place of opening the same, shall choose one judge and two inspectors, and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections.

SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof, in every respect. President of council.

SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election, in each year, and as often thereafter as occasion may require; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power, in the absence of the burgess, to elect a president pro tem., who shall, in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess; or in his absence, the president pro tem. shall have power to call special meetings of the council; but in all cases of special meetings, personal notice shall be given to every member, unless he be absent from the borough; the burgess and members of the town council shall, in all cases, continue to hold and exercise the duties of their respective offices until their successors shall be duly elected and qualified. Burgess and town council, annual meeting of.

SECTION 5. That if any person duly elected burgess or member of the town council, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties, shall refuse or neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of five dollars; and every other officer elected or appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall, for every such refusal or neglect, pay a fine not exceeding five dollars, at the discretion of the burgess; which fines, and all other fines that may be incurred under this act, or any of the by-laws or ordinances of the town council, shall be for the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Georgetown, as debts of like amount are by law recoverable: *Provided*, That no person shall be compelled to serve more than one year in any term of three years, and that the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted for refusing to serve in such office. Penalty for refusing to serve.

SECTION 6. The burgess shall take and subscribe an oath or affirmation before one of the judges of the court of common pleas, or a justice of the peace of the said county of Beaver, to support the constitution of the United States, and of the state of Pennsylvania, and to execute the office of burgess of the borough of Georgetown with fidelity; and when so qualified he shall administer an oath to each of the members of the town council, town clerk and such other officers as shall be elected or appointed under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their of their respective offices, which oath or affirmation so taken and subscribed shall be filed among the records of the corporation. Burgess to take oath.

- Style.** **SECTION 7.** That from and after the third Friday of May next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name and style of "The burgess and town council of the borough of Georgetown," and shall have perpetual succession, and shall be capable in law to have, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple, or otherwise, not exceeding the yearly value of three thousand dollars; and also to grant, sell, let and assign the same, and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatever, and to have and to use one common seal, and the same from time to time at their will to change and alter.
- Privileges.**
- By-laws.** **SECTION 8.** That the town council shall have power to pass and enact by-laws, rules, regulations and ordinances as they may deem necessary to promote the peace and good order and general welfare of the inhabitants, and well being of said borough, and for the purpose of improving and keeping in good order the side-walks, streets, lanes and alleys, public squares, common grounds or other property whatsoever, that has heretofore at any time been granted to the use of the citizens of Georgetown, or that may hereafter be granted to the use of the corporation, and for removing nuisances and obstructions therefrom, and the same to alter, make, renew or annul as the occasion may require; and also assess, levy and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, which said taxes shall not exceed in any one year three mills on the dollar, except by consent of three-fourths of the taxable inhabitants, to be certified under their hands to the town council for that purpose; they shall have authority to obtain materials for improving the streets, lanes and alleys and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired and kept in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, and such other officers as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the council shall be allowed such compensation as the council may fix and agree upon, but the members of the council themselves shall not receive any compensation for their services as members of the town council; the council may remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do: *Provided*, No by law, rule, regulation or ordinance of said corporation shall be repugnant to the constitution and laws of the United States, or of this commonwealth, and that no person shall be subjected to any fine or punishment for a violation of any by-law or ordinance of the said borough, until after ten days shall have expired after the publication thereof, by at least four copies of the same being put up at the most public places within said borough, and signed by the president or president pro tem., and attested by the town clerk; it shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same.
- Levy and collect taxes.** **SECTION 9.** That it shall be the duty of the burgess to issue his warrant to the collector as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the collector shall have the power and authority in the collection of said taxes, as the collector of county rates and levies, and may be proceeded against in the same manner that the
- Warrant to collector.**
- Proviso.**

county treasurers or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of their duplicate according to law: *Provided*, That the town council may hold appeals, hear any complaints in relation to the assessment of the said taxes, and grant relief as shall seem best at any time; and also exonerate the collector for the payment of any tax that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated lot within said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the commissioners of Beaver county, in the same manner as the supervisors of the roads are authorized by law to return road taxes on unseated lands, and the county treasurer shall in like manner collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money into the treasury of the borough, or to whatever it may belong.

SECTION 10. That it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same; and also for the faithful discharge of all the duties which may be enjoined upon him by this act, or of the acts of the corporation: he shall keep a fair journal of the proceedings of the council in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council in a separate book for that purpose, and when signed by the president, shall attest the same: he shall certify copies under the seal of the corporation, which copies of any book, paper, by-laws, ordinance or proceeding of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified: he shall deliver over to his successor the seal and all the books, papers and other things belonging to the corporation; and upon neglect or refusal so to do upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

Town clerk,
duty of.

SECTION 11. That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out of the same on orders of the president or president pro tem.: he shall keep fair accounts of his receipts and payments, and settle his accounts with the town council whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office all books, papers and accounts belonging to the corporation, or pertaining to his official duties when demanded, for which he shall give bond to the burgess and town council with sureties thereon as they may require.

Treasurer, duty
of.

SECTION 12. That no moneys shall be drawn from the treasury but by the authority of the council, on orders signed by the president thereof, and attested by the clerk: it shall be the duty of the town council to settle the accounts of the treasurer, street commissioner, collector of taxes, and of the several officers annually, and to cause a fair statement showing the receipts in the treasury, and how the same shall have been expended, to be published by the town clerk every year in the manner prescribed by said town council.

How moneys to
be drawn.

SECTION 13. It shall and may be lawful for persons entitled by law to vote for burgess and other officers of the borough of Georgetown, at the same time and place where they vote for borough officers, to elect two respectable citizens of said borough for constables, and return the names of the persons so elected to the next court of quarter sessions of

Constables.

the said county, one of whom shall be appointed constable of said borough in the like manner, with the like powers and authority, and receive like fees, and be subject to regulations and penalties as are provided and contained in the laws now existing, or that may hereafter be passed concerning constables within this commonwealth; and the said constable shall do and perform all the duties required to be done by the high constable of said borough in pursuance of this act, and of the by-laws and ordinances of said borough.

Streets, courts, lanes and alleys in Philadelphia city, relative to notices concern-

SECTION 14. That so much of an act of assembly passed the twenty-third day of April, one thousand eight hundred and twenty-nine, entitled "An Act in relation to the paving of private streets, courts, lanes and alleys in the city of Philadelphia," as requires sixty days' notice to be given to the owner or owners, or person or persons having charge of any ground fronting or bordering on any private street, court or alley in the city of Philadelphia, to pave and curb the foot-ways, and pave the cart-ways of such street, court or alley, or to keep the same in repair before the same shall be done at his or their expense, as provided in the said act, be and the same is hereby repealed; and the notice to be given as aforesaid shall be fourteen days.

Further provisions.

SECTION 15. That so much of the act of the tenth of April, one thousand eight hundred and twenty-six, entitled "A supplement to the act, entitled 'An Act for the better regulation of the city of Philadelphia and districts adjoining, and preserving the navigation of the river Schuylkill,' passed March twenty-fifth, one thousand eight hundred and five," as provides that no owner of ground fronting on any foot-way shall be obliged to pave and curb, or to defray the expense of paving and curbing any foot-way of a greater breadth than four feet in front of any lot whereon a dwelling house shall not be erected, be repealed; and the select and common council of the city of Philadelphia, shall have authority to direct what portion of any foot way in the city of Philadelphia shall be paved; and any act or part of any act inconsistent herewith, be and the same is hereby repealed.

Construction of the act incorporating the Manor turnpike road company.

SECTION 16. That the act authorizing the governor to incorporate the Manor turnpike road company, and the said supplement thereto, passed March thirtieth, one thousand eight hundred and forty-eight, shall not be so *constructed* as to authorize and empower the president and managers of said corporation to erect toll gates for the collection of tolls within the chartered limits of the city of Lancaster: *Provided*, That this act shall not be so construed as to affect the rights of said company under any act of the general assembly of Pennsylvania, or be held to determining any action at law now depending in any of the courts of this commonwealth: *And provided*, That the said company shall have full power and authority to ask and demand any tolls, according to the rates allowed by law, from any and all persons using or traveling on so much of the said road as lies within the city aforesaid, at any other place or places than at the gates on said road, and at any other time or times than such person or persons shall use or travel upon or along the same; and upon the refusing of such person or persons to pay the amount of such toll, the said company is hereby empowered to sue for and collect the same, in the same manner as debts of like amount are now by law recoverable.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Approver of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 316.

AN ACT

To incorporate the town of Port Clinton, in the county of Schuylkill, into a borough; to ascertain and fix the dividing line between the counties of Berks and Schuylkill; to a state road from Reading to Waynesburg; and to change the place of holding the general election in Douglass township, Berks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Port Clinton, in the county of Schuylkill, shall be and the same is hereby erected into a borough, which shall be called the borough of Port Clinton, and shall be bounded and limited as follows: beginning at a corner of John Moyer's land on the Centre turnpike; thence west up said turnpike about fifty perches to lands of James Gaver; thence north about sixty perches to lands of the Little Schuylkill navigation and railroad and coal company; thence along said line north to a lot of William Moyer; thence east one hundred and sixty feet; thence north fifty feet; thence west one hundred and sixty feet to lands of the said Little Schuylkill navigation, railroad and coal company; thence north about fifty perches to a line of John Schall's land; thence along said line west about three hundred and fifty perches to a corner; thence south to the river Schuylkill; thence down said river to lands of the said John Moyer; thence north to the place of beginning.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided within the bounds of said borough at least six months immediately preceding the election, shall have power on the second Saturday of May next, to meet at the public school house, and on the said day annually thereafter, at the place aforesaid, and shall then between the hours of one and six in the afternoon of said day elect by ballot, one respectable citizen residing therein, who shall be styled the burgess, and five citizens of said borough to be town council, and shall elect also as aforesaid, one citizen as high constable; but previous to said election the citizens qualified as aforesaid, shall choose one citizen to act as judge, and two citizens to act as inspectors, one of whom shall act as clerk of said election, and the election to be conducted through according to the general election laws of this commonwealth; and the officers of the same shall be subject to the same penalties for mal-practices as by the said election laws are imposed; and the said judges and inspectors before they enter upon the duties of their respective offices, shall take the same oaths or affirmations before any justice of the peace of the same county, as are prescribed by the laws of this commonwealth; and after the election shall be closed the person having the highest number of votes to be duly elected, and the certificates required by the general election law shall be duly made out and signed by them, and filed away amongst the records of said borough.

SECTION 3. That from and after the first Saturday of April next, the burgess and town council, and their successors in office, shall be one body politic and corporate, by the name and style of "The burgess Style. and town council of the borough of Port Clinton," and shall have per-

Name.

Boundaries.

Annual election
of burgess, town
council, &c.

Privileges. petual succession, and shall be able and capable in law to sue and be sued, plead and be impleaded in any court of law in this commonwealth, in all manner of actions whatsoever, and to have and use a common seal.

Penalty for refusing to serve. SECTION 4. That if any person duly elected to the office of burgess, member of town council or high constable as aforesaid, shall refuse or neglect to take upon himself the duties of said offices, he shall forfeit and pay for the use of said borough the sum of ten dollars, to be collected in like manner as sums of like amount are now recoverable by law.

Officers to take oath. SECTION 5. That all officers of said borough, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any judge or justice of the peace of said county, to support the constitution of the United States and of the state of Pennsylvania, and to perform the duties of his office with fidelity, the certificates of the same shall be filed among the records of said corporation.

Clerk, duties of. SECTION 6. That the said burgess and town council shall meet on the first Monday after their election in each year, and appoint a clerk of said borough, whose duty it shall be to take charge of all papers and records, and common seal of said borough, and be responsible for the same; and shall keep a fair record of all proceedings, resolutions, by-laws and ordinances of said council; and the said burgess and town council shall have power to make, erect, alter, revise, repeal or amend all by-laws, rules, regulations and ordinances as shall be determined by a majority of them, necessary to promote the peace, good order and benefit and advantage of the said borough, and particularly providing for the regulations, improving, repairing and keeping in order the streets and alleys: they shall have power to assess and apportion such tax as shall be determined by a majority of them; and also, to appoint a street supervisor, treasurer and such other officers as may be deemed necessary from time to time: *Provided*, That in the assessment of taxes such tax shall not exceed two mills in the dollar on the valuation made by the assessor of the year one thousand eight hundred and forty-nine, on the citizens of said borough.

Precept to constable. SECTION 7. That the burgess is hereby empowered to issue his precept to the high constable as often as occasion may require, commanding him forthwith to collect all taxes so assessed, and the same to pay over to the treasurer.

Treasurer, &c., to give bond. SECTION 8. That the treasurer, street supervisor and constable shall, before entering upon the duties of their respective offices, enter into a bond with sufficient security, to be approved by the burgess, conditioned for the faithful performance of their duties.

High constable. SECTION 9. That the high constable of said borough shall, on giving security and being qualified in the court of quarter sessions of said county, have and exercise all the powers appertaining to the offices of town and high constable.

Separate school district. SECTION 10. That the borough of Port Clinton, in the county of Schuylkill, from and after the passage of this act, shall be a separate school district, and the first election under this act shall be at such time and place as the constituted authorities of said borough shall direct: *Provided*, That at least thirty days' notice of the time and place of holding said election shall be given.

Commissioners to mark the dividing line between the counties of SECTION 11. That Mathias S. Richards of the county of Berks, George D. Boyer, of the county of Schuylkill, and Samuel Brenizer, of the county of Dauphin, or any two of them, be and they are hereby appointed commissioners, with authority to survey, ascertain, determine

upon and mark the dividing line between the counties of Berks and Schuylkill, where the same crosses the river Schuylkill, and so much thereof on the eastern and western sides of said river as has heretofore remained undetermined.

SECTION 12. That it shall be the duty of said commissioners, after having first taken and subscribed an oath or affirmation before a justice of the peace, to perform the duties enjoined on them by this act with impartiality and fidelity, to go upon the ground and carefully survey, ascertain and determine upon the dividing line between the counties of Berks and Schuylkill, from the nearest settled and well known point in said line on the eastern side of the river Schuylkill to the intersection of the line dividing the townships of Upper Bern and Tulpehocken, in Berks county, or to any nearer known point in said county line on the western side of said river.

SECTION 13. That it shall be the duty of said commissioners to finally locate the said line dividing the counties aforesaid, so far as the same shall be surveyed and ascertained by them, and to mark the same upon the ground by distinct and permanent marks, and the line so ascertained and marked shall be and remain the dividing line between the counties of Berks and Schuylkill.

SECTION 14. It shall be the duty of said commissioners to make out drafts of said survey, certified under their hands, with the courses and distances plainly laid down, together with reports of their proceedings, and to file a copy of such draft and report in the office of the clerk of the court of quarter sessions in each of the counties of Berks and Schuylkill, within one year from the date of the passage of this act.

SECTION 15. The said commissioners shall receive as a compensation for their services the sum of three dollars per day each, while actually engaged in the discharge of their duties, each bearing his personal expenses out of the same, and shall have authority to employ the necessary assistants, and to incur any other expenses that may be necessary to carry out the intentions of this act, all of which shall be divided equally between and paid by the counties of Berks and Schuylkill; and if any vacancy or vacancies shall occur in said board of commissioners, the governor is hereby authorized to fill the same, on such vacancy being made known to him by the remaining commissioner or commissioners.

SECTION 16. That Rees Welsh, of Chester, John Long, of Berks, and Samuel Lincoln, of Lancaster county, be and are hereby appointed commissioners to view and lay out and mark a state road, beginning at or near the western boundary of Honeybrook township, Chester county; thence over the Welsh mountain at a gap west of Waynesburg; thence north-east towards the Berks county line, (so as to make the grade as easy as possible on said mountain for heavy burdened wagons,) to Reading.

SECTION 17. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, and that they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of one dollar and fifty cents per day, for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ

one surveyor at one dollar and fifty cents per diem, two chain-bearers and one axeman at a sum not exceeding for each one dollar per diem.

Drafts to be filed. SECTION 18. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the commonwealth on or before the first day of November next, and one copy in the office of the clerks of the courts of quarter sessions of the respective counties through which the said road may pass, on the time aforesaid, or as much sooner as practicable, and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads laid out by the courts are made and repaired.

Accounts. SECTION 19. The commissioners shall draw on the commissioners of the counties through which said road shall pass, who shall adjust the account of the commissioners, surveyor, chain-bearers and axeman, and pay them as other accounts, by orders on the treasurer of the county are paid.

Meeting of said commissioners. SECTION 20. The said commissioners shall meet on before the first Monday of May next, or as soon thereafter as a majority of them shall agree, and complete the location of said road as soon as practicable; and if any vacancy shall occur by resignation or otherwise, it shall be filled by the majority of said commissioners, or the appointment of the judges of the court of quarter sessions of the county in which said person or persons so resigning shall have resided.

Vacancies, how filled. SECTION 21. And it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and make and open the said road as other roads are made, and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than sixty-five dollars, to be collected as other fines are collected, and *and* said fine shall be appropriated for the use of said road: the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township through which said person so refusing may reside, and that said commissioners shall have power to vacate any road or part thereof as may be rendered useless by this act, or shall have power to change and re-locate any part of such roads between the points mentioned by this act, as may be rendered necessary.

Douglass township, Berks county, place of holding elections in. SECTION 22. That the general and township elections of the township of Douglass, in the county of Berks, shall hereafter be held at the public house of George Hatfield in said township.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 317.

A SUPPLEMENT

To an act, entitled "An Act to authorize the governor to incorporate the West Chester and Philadelphia railroad company;" in reference to Windmill island; to the estate of John Earle; to the estate of James H. Douglass, of York county; to the investment of certain trust moneys in the loans of Kensington district; to certain tax laws; the licensing of omnibusses in the city of Philadelphia; and the vacating Bank street, in Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas P. Cope, Thomas S. Taylor, Richard D. Wood, Nathaniel Commissioners. L. Paleske, William S. Chamley, Edward Whelen, Joshua Longstreth, Isaac Elliott, Charles D. Cleveland, Alexander Cummings, Mordecai L. Dawson, Thomas P. Hoopes, David S. Brown, Benjamin Wiley, William Neal, Clement C. Biddle, William H. James, Thomas Savery, William A. Porter, Elon Dunbar, James B. McFarlan, Caleb Cope, Garriek Mallery, George Abbott, James Atwood, John M. Atwood, Mordecai M. Sheldrake, Henry Leech, of Philadelphia; J. Lacy Darlington, J. R. Poissatt, Paschall Worth, Marshall Hickman, Henry S. Evans, Abraham Gibbons, Brinton Jones, Abraham Williams, Pennock Passmore, Truman Forsyth, Charles Lippencott, Benjamin Newlin, Enos Smedley, William Ingram, James Powell, Abner Miller, A. Z. Barden, of the county of Chester; Anthony Baker, George Baker, Hayes Baker, Lewis Davis, George Rhoads, Lewis Paxton, Garrett Williamson, Minshall Painter, Joseph Edwards, John C. Beatty, Charles Kelley and John Miller, of Delaware county, be and they hereby are appointed commissioners in addition to those named in the first section of the act to which this is a supplement, and with like powers and duties.

SECTION 2. That when twelve hundred shares or more of the stock of the said company shall be subscribed, and the sum of five dollars Letters patent. paid on each and every share, the governor shall, upon being certified thereof in the manner provided in the act to which this is a supplement, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers, and those who shall thereafter subscribe to the number of shares provided in said act, into a body politic and corporate, in deed and in law, as is provided in the act to which this is a supplement.

SECTION 3. That the president and managers of said company shall have authority to pay to the share-holders entitled to receive the same, Rate of interest to be paid share-holders. interest at the rate of six per cent. per annum, in annual or semi-annual payments, at the discretion of said president and managers, on all instalments paid or to be paid upon the shares of the stock of said company; and said interest shall be charged to the cost of construction, and shall continue to pay the same until said road shall be completed: *Provided,* That no stockholder who has neglected, or shall neglect to pay the instalments on his stock as called for, shall be entitled to receive interest under the provisions of this section, until the said instalments shall have been fully paid.

May connect
with certain
railroad.

SECTION 4. That it shall and may be lawful for the president and managers of said company, under the direction of the canal commissioners, to connect the railroad authorized by the act to which this is a supplement, with the railroad to avoid the inclined plane on the Columbia railroad, at any point on the same not more than one mile and a half west of the bridge over the river Schuylkill, at Market street.

Branch railroad.

SECTION 5. That it shall and may be lawful for the president and managers of said company to construct a branch railroad from the most convenient point on their railroad, to a point at or near the new county seat in the county of Delaware; the same to be subject as to damages or otherwise, to the various provisions of the act to which this is a supplement, so far as the same are not inconsistent with the provisions of this act, and are not inapplicable to such branch railroad.

Commencement
and completion
of road.

SECTION 6. That the length of time allowed in the act to which this is a supplement, for the commencement and completion of the railroad therein authorized, shall be computed from the passage of this act.

Riparian owners
of Windmill is-
land, relative to.
Board of war-
dens, relative to.

SECTION 7. That the fifth section of an act, entitled "A supplement to an act passed March twenty-ninth, A. D., one thousand eight hundred and three, to establish a board of wardens of the port of Philadelphia, and for other purposes," approved February fourth, one thousand eight hundred and forty-six, shall not be construed to impair the rights of the riparian owners of Windmill island, or any part thereof to low water mark; nor shall it be construed to diminish or alter the powers and authorities of the board of wardens and of the court of quarter sessions relating to the extension of wharves beyond low water mark into the tideway of the river Delaware, as conferred by the act of assembly, entitled "A supplement to an act, entitled 'An Act to establish a board of wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned,'" approved February seventh, one thousand eight hundred and eighteen; nor shall it be held to affect the provisions of the seventh section of an act, entitled "An Act authorizing the construction of a canal through Windmill island, and the improvement of the navigation of the Delaware river," approved February fourteenth, one thousand eight hundred and thirty-eight.

Maria Earl, guar-
dian, authorized
to sell real estate

SECTION 8. That Maria Earl, of the city of Philadelphia, be authorized, and she is hereby authorized and empowered, as guardian of her children, Mary H. Earl and William W. Earl, to sell either at public or private sale, all the estate, right, title and interest of said minors in all and singular the property and estate of their grand-father, John Earl, situate in the city and county of Philadelphia, and to convey the same to any purchaser and purchasers in fee simple, without obligation on the part of the purchasers to see to the application of the purchase money, further than to see the liens upon the title conveyed, fully discharged: *Provided*, That if the other parties interested in the distribution of the surplus shall require it, the surplus of the purchase money shall be paid into the orphans' court for the city and county of Philadelphia, and appropriated with or without previous audit, according to the rights of the parties interested: *And provided*, That if said guardian should de- cease before the said business shall be fully completed, any succeeding guardian appointed by said court shall exercise the power hereby conferred.

James H. Doug-
lass, guardian,
authorized to sell
real estate.

SECTION 9. That James H. Douglass, of Chanceford township, York county, guardian of James L. Douglass, a minor child of the said James H. Douglass, and his late wife Harriet, late Harriet H. Urey, be and is hereby authorized to sell at public vendue, the undivided portion of a certain tract of land situate in Upper and Lower Chanceford

townships, York county, aforesaid, containing about ninety acres, be the same more or less, now the estate of the said minor, and being the undivided half of the same tract of land which George Urey, by his last will and testament, bearing date the second day of January, one thousand eight hundred and fourteen, devised to the mother of said minor: *Provided*, That before the said James H. Douglass makes sale of the said real estate, he gives a bond to the commonwealth of Pennsylvania in double the value of the said land, to be approved by one of the judges of the orphans' court of said county, that he will faithfully account in said orphans' court to the said minor for the proceeds of the sale of the said real estate.

SECTION 10. That it shall be lawful for the orphans' court of the county of Philadelphia to authorize the investment of trust moneys in the water works, scrip or loan of the Kensington district of the Northern Liberties of said county, in the cases provided, and agreeably to the provisions of the fourteenth section of the act relating to orphans' courts, passed the twenty-ninth day of March, one thousand eight hundred and thirty-two.

Orphans' court of Philadelphia county authorized to invest certain moneys in the water works, &c.

SECTION 11. That no law heretofore passed shall be so construed as to invalidate the twenty-ninth section of an act, entitled "An Act to authorize the committee of the estate of Michael Fox, a lunatic, to sell and convey certain real estate, and for other purposes," approved the sixteenth day of April, one thousand eight hundred and thirty-eight, as explained by the third section of an act, entitled "An Act to authorize the administrators of Henry Mineum, late of Crawford county, deceased, to sell and convey certain real estate, and for other purposes," approved the second day of July, one thousand eight hundred and thirty-nine, but the same is hereby declared to be in full force and effect, any other law to the contrary notwithstanding.

SECTION 12. That the select and common councils of the city of Philadelphia, and the commissioners of the incorporated districts, in the county of Philadelphia, shall severally have authority, (by ordinance or ordinances,) to provide for the proper regulation of omnibusses, or vehicles in the nature thereof; and to this end it shall be lawful for the said councils and commissioners as aforesaid, to pass ordinances from time to time, to provide for the issuing of licenses to such and so many persons as may apply to keep and use omnibusses, or vehicles in the nature thereof, and to charge a reasonable annual, or other sum therefor; and to provide for the punishment of the owners and drivers of the same by fine, for any violation of the provisions of the ordinances to be enacted by virtue hereof.

Omnibusses, &c., for the city of Philadelphia, for the regulation of.

SECTION 13. That Bank street, in the district of Moyamensing, Philadelphia county, from the south side of South street, to the north side of Shippen street, is hereby vacated.

Bank street, Moyamensing, vacated.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 318.

AN ACT

To authorize the commissioners of Montgomery county to appoint two managers for the Schuylkill bridge at Norristown; and to incorporate the Saltsburg and Clarksburg road company.

Commissioners of Montgomery county authorized to appoint two commissioners for certain bridge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the sixth section of the act, entitled "A further supplement to an act authorizing the governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near the borough of Norristown, in the county of Montgomery," passed the sixth day of April, one thousand eight hundred and thirty, as imposes conditions and restrictions on the appointment of managers of said company by the county commissioners, be and the same is hereby repealed; and hereafter the commissioners of said county shall in the month of May next, and in the month of May in each succeeding year thereafter, appoint two persons residing in said county, as managers, whether such persons be stockholders or not, who shall hold their offices one year from the date of their appointment; and such managers shall have the same authority as if they were appointed on the day mentioned in said act, and had the other qualifications required by said act.

Commissioners.

SECTION 2. That John M. Marshall, James Leech, Samuel S. Jamison, Francis Laird, James R. Dougherty, Alexander Fleming, James M. Hart, John G. Thompson, Samuel M. Russell and Scott Marshall, or any five of them, be and they are hereby appointed commissioners to open the books, receive subscriptions and organize a company, by the name, style and title of "The Saltsburg and Clarksburg road company," to locate and construct a plank or turnpike road from the borough of Saltsburg, in the county of Indiana, to the village of Clarksburg, in said county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with this and the following sections.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

SECTION 3. That the capital stock of said company shall consist of five hundred shares, of twenty-five dollars per share: *Provided,* That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.

Commencement and completion of road.

SECTION 4. That if the said company shall not commence the construction of said road within five years from the passage of this act, and complete the same within ten years thereafter, so much of this act as relates to said company shall become null and void, except so far as to wind up the affairs of said company, and pay the debts of the same.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 319.

AN ACT

Supplementary to an act, entitled "An Act to incorporate the borough of Girard, in the county of Erie;" and to authorize the borough of Erie to borrow money; and to encourage agriculture and the mechanic arts in Erie county; and relative to the election of assistant wardens of the port of Philadelphia; to county treasurers and delinquent inn-keepers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the qualified electors of the borough of Girard, in the county of Erie, shall, at their borough election on the third Friday in March next, elect two citizens to serve as members of the town council, as provided for in the act to which this is a supplement, and also two citizens to serve as members of the town council for two years; and annually thereafter the qualified citizens aforesaid shall elect two citizens to serve as members of the town council, who shall hold their office for two years.

Additional powers granted to the borough of Girard.

SECTION 2. The burgess and town council of the borough aforesaid shall hereafter have power to lay out, vacate, or alter any of the streets of said borough: *Provided,* The written consent of a majority of the taxable voters of the borough is first obtained, and filed for public inspection among the records of said borough; and any acts or parts of acts inconsistent with or supplied by this supplement, are hereby repealed.

Power to vacate, lay out streets.

SECTION 3. That the burgess and town council of the borough of Erie are hereby authorized and empowered to subscribe two hundred shares in the capital stock of the Erie and Waterford plank road company, two hundred shares in the capital stock of the Erie and Wallburg plank road company, two hundred shares in the capital stock of the Erie and Edenboro' plank road company; which said companies were incorporated by acts of assembly, passed the twenty-seventh day of February, one thousand eight hundred and forty-nine.

Borough of Erie authorized to subscribe to the capital stock of certain plank road companies.

SECTION 4. That the said burgess and town council are hereby authorized and empowered, in the name and upon the faith, credit and responsibility of the said corporation, to borrow any sum or sums of money not exceeding in the whole fifteen thousand dollars, for the purpose of paying their subscriptions to the capital stock of the said companies, to issue certificates of such loan or loans to the holders thereof, in sums not less than fifty dollars each, and to make such provision out of the taxes of said borough from time to time, as may be necessary to pay the interest upon such loan or loans, and to redeem the principal at such times and in such manner as may be conformable to the terms upon which the same may be taken.

Borrow money.

SECTION 5. That it shall be lawful for the commissioners of the county of Erie, if they shall deem it expedient, to pay annually, on or before the fifteenth day of October in each and every year, to the treasurer of the Erie County agricultural society, the sum of one hundred dollars out of any money in the county treasury not otherwise appropriated, so long as said society shall continue to hold an annual fair for the encouragement of agriculture and the mechanic arts.

Erie County agricultural society, for encouragement of.

Philadelphia
board of trade,
additional powers
granted to.

SECTION 6. That hereafter the Philadelphia board of trade shall have the power of annually electing four persons as assistant wardens, who shall be members of the board of wardens for the port of Philadelphia; and that so much of any law of this commonwealth as authorizes the chamber of commerce of Philadelphia to elect two persons as assistant wardens, be and the same is hereby repealed.

County trea-
surers, relative to
the commissions
on moneys re-
ceived by them.

SECTION 7. That it is hereby declared to be the true intent and meaning of the forty-second section of the act of the fifteenth of April, one thousand eight hundred and thirty-four, entitled "An Act relating to counties and townships and county and township officers," that the commissions of county treasurers upon moneys received by them, and which may be or has been paid into the state treasury agreeably to law, shall be computed and allowed upon the gross amount received annually on each of the separate accounts which they are or may be required to keep, and not upon the half yearly payments which they are required to make of certain revenue received by them; and any law inconsistent herewith is hereby repealed.

Appraisers of
mercantile taxes,
pay of mileage to.

SECTION 8. That hereafter the mileage of the appraisers of mercantile taxes shall be paid by the state treasurer, on the warrant of the auditor general, the accounts therefor being first settled by the auditor general and state treasurer; and so much of the twelfth section of the act of twenty-second April, one thousand eight hundred and forty-six, entitled "An Act to provide for the reduction of the public debt," as authorizes county treasurers to approve of and pay the mileage of appraisers of mercantile taxes, is hereby repealed.

Deputy attorney
generals of the
several counties
required to make
return to auditor
general of delin-
quent tavern
keepers.

SECTION 9. It shall be the duty of the deputies of the attorney general of the several counties of this commonwealth, to make a return to the auditor general annually in the month of December, for the year ending with the thirtieth of November then next, of the names of delinquent inn and tavern keepers, which may have been placed in their hands by the county treasurers respectively, designating in said return the name and amount of each delinquent, the amount received from each person, and the amount remaining uncollected; and it shall be the duty of each of the deputies aforesaid, to pay to the county treasurer of the proper county annually in the month of December, the amount received, and to forward to the auditor general a duplicate receipt showing payment of the same, upon which amount so paid they shall be allowed ten per cent. commission.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 320.

AN ACT

Authorizing the borough of Bolivar, in Westmoreland county, to dig a public well; in relation to state and turnpike roads; and to the pay of the commissioners of Westmoreland county; incorporating the Wellersburg and West Newton plank road company; empowering the auditor general to examine the claim of Samuel Kerr, and relative to bridges in Lebanon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgesses and officers of the borough of Bolivar, in the county of Westmoreland, be and they are hereby authorized to dig a public well on Canal street in said borough, for the purpose of supplying the citizens and inhabitants of said borough with water; and the said burgesses and officers of the borough may assess such an amount of taxes on the inhabitants of said borough as will be necessary to sink said well, and put and keep it in proper order for the public use.

Public well for the borough of Bolivar, Westmoreland county.

SECTION 2. That Samuel L. Carpenter, William Wilson, Uriah Applegate, William Vankirk, Daniel Sarver and Daniel Kestler, be and they are hereby appointed commissioners to view and lay out a state road from Elizabethtown, in Allegheny county, by the way of Alexander Guffey's salt works, to intersect the Greensburg and Pittsburg turnpike road, at Greensburg, Westmoreland county, or some point west of it, to be determined by the commissioners by the nearest and best route, marking the same plainly and distinctly upon the ground: *Provided,* That after a view being had a majority of said viewers shall determine that said road is necessary.

Commissioners.

State road.

Location.

SECTION 3. That the said commissioners, after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act with fidelity and impartiality, shall proceed to view the ground and lay out the road as near a straight line between Elizabeth, in Allegheny county, to the point determined upon on the Greensburg and Pittsburg turnpike road, by the way of Guffey's salt works, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except at crossing ravines and streams, when by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit.

Commissioners to take oath.

Duties.

SECTION 4. That the said commissioners shall meet on or before the first day of July, one thousand eight hundred and fifty, and proceed to complete the view of said road; and they are hereby authorized to employ one surveyor at a per diem not exceeding two dollars, two chain-bearers and one axeman at a per diem of one dollar each, and the said commissioners shall each receive a per diem of not exceeding dollars for each day necessarily spent in the discharge of the duties enjoined by this act; and the accounts of said commissioners for their own pay and the pay of surveyor, chain-bearers and axeman, shall be paid by the commissioners of the counties of Allegheny and Westmoreland, by warrants drawn on the county treasurer, in proportion to the time spent in locating the said road within each county respectively.

Meeting.

Surveyor, pay of.

Commissioners.

Draft. **SECTION 5.** That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting courses and distances, improvements, waters, roads, county and township lines, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next after the said survey is completed, and one copy in the office of the clerk of the court of quarter sessions of each county in which said road may *line*; and from thenceforth the said road shall be a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out and opened by order of the said courts of quarter sessions in said counties: *Provided*, That said road shall not be opened to a greater width than thirty feet.

Damages. **SECTION 6.** That it shall be the duty of said commissioners, to endeavor to procure from all persons through whose lands said road may be located, a release for all claims of damages which might arise from opening said road; and in every case where they cannot obtain such release, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, and return, together with the releases, to the courts of quarter sessions of the respective counties in which such damages may accrue.

Belmont and Easton turnpike road company, relative to proceedings against. **SECTION 7.** That hereafter all proceedings again the president, managers and company of the Belmont and Easton turnpike road, for any neglect or refusal to keep their road in good traveling order and repair, or for any penalty inflicted on them for the same, shall be commenced and prosecuted according to the provisions of the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of an act of assembly, entitled "An Act regulating turnpike and plank road companies," approved January twenty-sixth, one thousand eight hundred and forty-nine.

Repeal. **SECTION 8.** Such portions of the act incorporating said company as are inconsistent with the provisions of this act, be and are hereby repealed.

Commissioners. **SECTION 9.** That Alexander McKee, of the county of Allegheny, and Henry Davis and John A. Frazier, esquire, of Beaver county, be and they are hereby appointed commissioners to view and lay out a state road from the village of Philipsburg, in the county of Beaver, to a point on the Pittsburg and Steubenville turnpike road, at or near where said road crosses Saw Mill run, in the county of Allegheny.

Duties. **SECTION 10.** It shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the road may pass, and to lay out the same on the nearest and best ground to a straight line, and in no place to exceed an elevation of five degrees.

Chain-carriers, pay of. **SECTION 11.** That it shall be the duty of said commissioners plainly and distinctly to mark the ground on the routes agreed upon for the road aforesaid, in such manner as to enable supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ, at a per diem allowance not exceeding one dollar each, two chain-carriers and one axe-man; and the said commissioners respectively shall receive a per diem allowance not exceeding two dollars for each day necessarily expended in the discharge of the duties enjoined by this act; and the said commissioner performing the duties of surveyor, shall have and receive an additional compensation of fifty cents for each and every day spent

in the laying out of said road, to be paid in manner and form as herein-after directed.

SECTION 12. It shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, respectively noting thereon the courses and distances as they occur, the improvements, and also, the crossings of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of October next, and one copy in the offices of the clerks of the courts of the respective counties in which the said road may be laid out, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

Draft.

To be filed.

SECTION 13. That the accounts of the said commissioners for their own pay and pay of their chain-carriers and axe-man, shall be made out and returned to the commissioners of such counties in which said road may be located, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn the usual way.

Accounts.

SECTION 14. The said commissioners shall meet on or before the fourth day of June next, or as soon thereafter as practicable, and complete the view of said road; and if any vacancy occur, the court of quarter sessions of the county where such vacancy occurs, shall supply by the appointment of a suitable person or persons to fill such vacancy, who shall perform said duty.

Meeting.

Vacancies, how supplied.

SECTION 15. That the supervisors of the several townships of Cumberland and York counties, through which the state road passes, leading from Kelse's ferry, in the county of Cumberland, to the Maryland line, in the county of Adams, in the direction of the city of Washington, be and they are hereby authorized and required, within three years from the passage of this act, to reduce the hills on that portion of said road lying between the Susquehanna river and the borough of Dillsburg, to an elevation not exceeding five degrees from a horizontal line.

Supervisors of Cumberland and York counties, through which a certain road passes, required to reduce the hills, &c.

SECTION 16. That the said supervisors are hereby authorized to let the work in sections to the lowest bidder, upon due public notice by printed or written hand-bills, put up at five or more of the most public places in the township in which the work proposed is to be done, at least ten days previous to such letting: *Provided*, They are of the opinion that such letting will be an advantage to their respective townships: *And provided also*, That this act shall not be so construed as to include a hill on said road generally known by the name of Yost's hill, in the county of Cumberland.

Authorized to let the work in sections.

SECTION 17. That the county commissioners of Westmoreland county be entitled to receive out of the county funds, in addition to the daily pay now allowed by law, the sum of one dollar per day for every day which may be necessarily spent by them in transacting the business of the county, at any other place than at the county seat.

Commissioners of Westmoreland county, pay of.

SECTION 18. That Joseph Markle, John Fausold, James W. Jones, Henry Baker, David Lavan, Andrew J. Ogle, Isaac Ankeney, John Brubaker, Daniel Lepley, George Klingaman, junior, James Gardner, John C. Plumer, Rudolph Boose, John R. Brenham, Thomas Benford, Solomon Baer, Michael A. Sanner, Henry Little, William Colvin, Cyrus P. Markle, William Hitchman, John Cover and Samuel Philson, or any five of them, be and the same are hereby appointed com-

Style.	missioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Wellersburg and West Newton plank road company," to locate and construct a plank road from Wellersburg, in the county of Somerset, to West Newton, in the county of Westmoreland, on the bed of the present public road leading from Wellersburg to West Newton, or otherwise, as the company may direct, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, as far as the same are not inconsistent with this and the following sections.
Location.	
Subject to provisions of certain act.	
Capital stock.	SECTION 19. That the capital stock of said company shall consist of four thousand shares, of twenty-five dollars per share: <i>Provided</i> , That said company may from time to time, at a meeting called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.
Commencement and completion of road.	SECTION 20. That said road shall be commenced within three years, and completed within four years thereafter, or this act to be null and void, except so far as it may be necessary for the purpose of closing up the affairs of said company, and paying the debts of the same.
Auditor general authorized to examine and settle the claim of Samuel Kerr.	SECTION 21. That the auditor general be and he is hereby authorized to examine and settle the claim of Samuel Kerr, late supervisor on the Beaver division, Pennsylvania canal, for interest upon money expended by him on said division in eighteen hundred and forty-one, in payment of labor when there was no money belonging to the commonwealth applicable to the payment of repairs on said division, and report the amount which may be found due, (if any,) to the legislature: <i>Provided</i> , That said amount shall not exceed six hundred dollars.
Provisions of certain act relative to bridges, extended to Lebanon county.	SECTION 22. That the several provisions of the act, entitled "An Act relating to bridges, in Lancaster county," passed the twenty-seventh day of February, one thousand eight hundred and forty-seven, be and the same is hereby extended to the county of Lebanon.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM F. JOHNSTON.

No. 321.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to incorporate the Manufacturers' and Mechanics' Bank of the Northern Liberties, in the county of Philadelphia," approved twentieth May, Anno Domini, one thousand eight hundred and thirty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the first section of the act, entitled "An Act to incorporate the Manufacturers' and Mechanics' Bank of the Northern Liberties, in the county of Philadelphia," as requires the said bank to be located in the Northern Liberties, in the county of Philadelphia, and to be called the Manufacturers' and Mechanics' Bank of the Northern Liberties, in the county of Philadelphia, be and the same is hereby repealed; and that the said bank shall hereafter be called and known by the name of the Manufacturers' and Mechanics' Bank of the city and county of Philadelphia; and the passage of this act shall not affect any suits commenced for or against the bank prior to its passage, that the same may be prosecuted to judgment, decree and execution, as if this act had not been passed; and the said bank under the name so changed, shall have all the rights and privileges, and be subject to all the duties and liabilities imposed upon the said bank by existing laws: *Provided,* That said bank shall not be located south of High street, in the city of Philadelphia. Manufacturers' and Mechanics' Bank of the Northern Liberties, name changed. Location.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 322.

AN ACT

Regulating banks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

All banks subject to provisions of this act. every banking corporation hereafter created by any special act of the general assembly, and every bank hereafter re-chartered, or the charter of which shall be hereafter extended or renewed by any such act of assembly, shall be subject to the provisions of this act.

Division of capital stock. **SUBSCRIPTION.** SECTION 2. That whenever a special act of the general assembly shall be passed creating a new bank, the capital stock of such bank shall be divided into shares of fifty dollars; and the commissioners named in such act, or a majority of them, shall have power to open books for receiving subscriptions to the capital stock of such bank, at such times and places as they may deem expedient, notice of which shall be given by publication for three weeks, in one or more newspapers published in the county where the books of subscription are intended to be opened; two or more of the commissioners shall attend at the time and place appointed in such notice, and shall permit all persons competent to enter into a contract, to subscribe to the capital stock of such bank; such subscription shall be made payable to the president and directors of the bank; the books shall be kept open for four hours in every juridical day, for six days, if six days shall be necessary; and on the first of said days, any person competent by this act, may subscribe in his own name, or in the name of any other person competent as aforesaid, by whom he shall be authorized, for one or two shares; and on the second day, for any number not exceeding four shares; and on the third day, for any number of shares not exceeding six; on the fourth day, for any number not exceeding eight; and on the fifth, or any succeeding day, for any number of shares not exceeding two hundred, including such shares as shall have been subscribed on the previous days; if at the end of the six days the whole number of shares authorized by the special act be not subscribed, the commissioners may adjourn from time to time, and from place to place, until the whole number of shares shall be subscribed.

Payment on each share. SECTION 3. All persons offering to subscribe, shall first pay to the attending commissioners the sum of five dollars on each share to be subscribed, out of which shall be defrayed the expenses of taking the subscription and other incidental charges, and the residue shall be paid over by the commissioners to the president and directors of such bank, as soon as the same shall be organized.

Vacancies. SECTION 4. Should any or all of the commissioners named in such special act, die, or neglect or refuse to act, the court of common pleas of the county in which the bank is to be located, may, on application, appoint other commissioners to supply their places.

Payment of shares to be made in gold, &c. SECTION 5. The payment of the shares of the capital stock shall be made in gold, silver or notes of specie paying banks of this commonwealth, at the times and in the manner following, to wit: five dollars on each share to the commissioners at the time of subscribing, and twenty dollars on each share within sixty days thereafter; the residue to be paid in such instalments as by the by-laws of the corporation shall be directed.

Letters patent. SECTION 6. That when not less than one-half of the shares into which the capital stock of such corporation may be divided shall have been subscribed for, and the sum of fifty per cent. has been actually paid on the amount so subscribed, which the commissioners are hereby authorized to receive, the commissioners, or a majority of them, shall certify to the governor of this commonwealth, under their hands and seals, and under their oaths or affirmations respectively, the names of the subscribers and the number of shares subscribed by each, together with the amount so actually paid; and thereupon the governor shall, by letters patent under his hand and the seal of the state, create and erect

the said subscribers, their successors and assigns, and if the whole number of shares be not then subscribed, then also all those who shall afterwards subscribe, their successors and assigns, into one body politic and corporate, in deed and in law, by the name, style and title designated in the special act authorizing such bank, and shall so continue a body politic and corporate for the term of fifteen years from and after the date of such letters patent; and by the name and style aforesaid they shall be able to sue and be sued, implead and be impleaded, answer and be answered, in all courts of record and elsewhere; and to purchase, have, hold, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, rents, goods and chattels of what kind, nature and quality soever, to an amount not exceeding in the whole the capital stock of such bank, except such as may be purchased in satisfaction of any judgment or decree in favor of the bank, or lands purchased upon which the bank may have a lien, or assigned to it as security for the payment of any debt, or received in discharge of any debt, and the same from time to time to sell, grant, demise, alien and dispose of; and also to make and to have a common seal, and the same to break, alter and renew at pleasure; and also to ordain and put in execution such by-laws, rules and regulations as shall be convenient and necessary for the good government of such bank: *Provided*, That they be not contrary to the constitution and laws of this state or of the United States; and generally to do and execute all such acts, matters and things which a corporation may lawfully do, subject to the rules, regulations, restrictions and provisions in this act.

Style.

Privileges.

Proviso.

SECTION 7. That the commissioners aforesaid shall, within thirty days after the said letters patent are obtained, give notice in one or more newspapers published in the city or county in which the bank is located, of the time and place by them appointed for the subscribers to meet and organize; at which time and place the subscribers shall, by a majority of their votes, choose by ballot thirteen directors to manage the business of such corporation until the next annual election, as hereinafter provided.

Organization.

SECTION 8. That the directors shall deliver to the stockholders as soon as they shall have fully paid their subscription, certificates of the stock, share or shares held by each, signed by the president chosen as hereinafter directed, and countersigned by the cashier, and sealed with the common seal of the corporation.

Certificates of the stock.

SECTION 9. That upon the re-chartering or extending or renewing of the charter of any incorporated bank by any special act of assembly, the directors of such bank shall, within six months thereafter, file in the office of the secretary of the commonwealth the written acceptance of the stockholders of such charter, if they shall accept the same at a general meeting to be called for that purpose; and thereupon the subscribers and stockholders, and their successors and assigns, shall, from and after the expiration of the then existing charter of such bank, be a body corporate and politic, by the same name, style and title as such bank had under its previous charter, and shall be invested with all the powers and privileges, and be subject to the restrictions enumerated in the sixth section of this act; and also to have, hold, receive, possess, enjoy and retain, to the subscribers and their successors, all the estate, property and effects of every kind which such bank shall be possessed of or entitled to at the time of the expiration of its former charter; and all rights respecting the same shall be vested in such bank so re-chartered, as if the act incorporating the same had been continued in full force; and such banks may sue and be sued on all debts, claims or demands due or owing to and from such banks, and shall have the

Acceptance of charter.

benefit and advantages, and be liable to all contracts and engagements entered into previous to the expiration of the former charter, as if the charter had not expired; and suits pending either for or against the bank, shall be proceeded in and adjudged in like manner as if the former acts incorporating the same were in full force, without the necessity of alleging the same in pleading.

Fundamental articles of the constitution of every bank.

SECTION 10. The following rules, restrictions, limitations and provisions shall form and be the fundamental articles of the constitution of every bank which shall be hereafter incorporated, and of every incorporated bank hereafter re chartered, or of which the charter shall be hereafter extended or renewed :

ARTICLE I.

Directors, who may be.

The affairs of every such bank shall be conducted by thirteen directors, to be chosen annually by the stockholders; no person, not a citizen of the United States, and a stockholder in his own right, shall be a director; no person shall, at the same time, be a director of any two banks; nor shall the governor or any executive or judicial officer of this commonwealth, city or county treasurer, or a member of the state legislature, be a director.

ARTICLE II.

Election of directors.

The election of the directors shall be by ballot, and after the first election, as provided in the seventh section of this act, shall be held annually, on the third Monday of November, at such place within the city or county where the bank is located, as the directors for the time being shall appoint, notice of which shall be given thirty days' previous thereto, in one or more newspapers published in the city or county in which the bank is located; and a fair and correct list of the stockholders shall always be kept up in the common hall of the bank, which shall be corrected quarterly, so as to exhibit, at those times, a true list of the actual stockholders; the directors shall assemble on the first Monday succeeding such election, and choose one of their number to be president of the bank; the directors shall continue in office one year, and until others be chosen; if it shall happen that the election of directors be not made on the day above prescribed, the corporation shall not for that reason be dissolved, but it may be lawful, on any other day within thirty days thereafter, three weeks' notice being given in the manner aforesaid, to hold an election in such manner as by the by-laws and ordinances shall be prescribed; and the directors shall, at their first meeting after such election, elect one of their number to be president; in case of the death, resignation or absence from the United States, or inability of the president or any director to act, the board of directors shall choose another to supply his place: *Provided*, That no person shall be eligible as a director for more than three years in any four, except the president, who shall always be eligible; partners, in business, of directors, shall be comprised in this restriction; and no two partners in business shall be directors at the same time: *And provided*, That the persons who may be directors of any bank hereafter re-chartered, shall, after the expiration of the former charter, continue directors of such bank until others are chosen according to the provisions of this act, and shall be subject to the duties imposed by this act, and to its provisions.

ARTICLE III.

For the well ordering and conducting of the elections, the directors shall previously hereto appoint three shareholders, not being directors, to be judges of the election, who shall severally take and subscribe an oath or affirmation, before some officer authorized by law to administer oaths, well and truly, and according to law, to conduct such election; they shall determine whether the persons who shall have the greatest number of votes are qualified to be elected directors, and do come truly and plainly within the provisions of this act; and after the conclusion of the ballot, shall decide and declare who are elected directors for the ensuing year. Judges of elections.

ARTICLE IV.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares held, in the proportion following, that is to say: for each share not exceeding two shares, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every ten shares above thirty, and not exceeding fifty, one vote; but no share, or number of shares, above fifty, shall confer any additional right of voting; and no share shall confer the right to vote, which shall not have been holden three calendar months previous to the day of the election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide, in his own right or that of his wife, or as executor or administrator, trustee or guardian, or in the right of some corporation, co-partnership or society of which he or she may be a member, and not in trust for any other person; every person voting, except females, shall do so in their own proper person, and not by proxy: *Provided*, That this provision shall not prevent any guardian of minor children, or any bona fide trustee who holds stock in a fiduciary capacity, from voting upon such stocks at any election. Votes.

ARTICLE V.

The board of directors shall have power to appoint a cashier and all other officers, clerks and other persons necessary for executing the business of the bank; and it shall be the duty of such board to require the cashier, tellers and other officers of the bank, severally to enter into a bond to the commonwealth of Pennsylvania, the cashier in any sum not less than one-fifth of the capital stock paid in, when the capital stock is not over two hundred thousand dollars; and when the capital stock is over two hundred thousand dollars, and not greater than five hundred thousand dollars, the cashier shall give bond in not less than the one-eighth of the capital stock; and when the capital stock is greater than five hundred thousand dollars, and not over one million dollars, the cashier shall give bond in not less than the one-tenth of the capital stock; and when the capital stock exceeds one million of dollars, such bond shall not be less than the one-twelfth of the capital stock; and the president, tellers and other officers in such sums as the board of directors may require, conditioned for the faithful execution of their duties; such bonds to be approved of by the court of common pleas or district court of the county in which the bank is located, and recorded in the office of the recorder of deeds, within ten days thereafter, of the proper county; any person aggrieved by a failure of any officer or Cashier and other officers to give bond.

clerk of the bank to comply with the condition of such bond, may commence and prosecute an action on the same, in the manner provided for the suing on official bonds, in the act of fourteenth June, one thousand eight hundred and thirty-six, entitled "An Act relative to bonds with penalties, and official bonds;" they shall establish the compensation to be paid to the president, cashier and other officers of the bank, which, together with all other expenses, shall be defrayed out of the funds of the corporation; and it shall not be lawful for the president, cashier, teller or clerk of the bank to vote at any election for directors, as the attorney, proxy or agent of any stockholder; and that it shall not be lawful for the cashier of any bank to engage in any other profession, occupation or calling, either directly or indirectly, than that of the duties appertaining to the office of cashier; and if any cashier of the bank shall directly or indirectly engage in the purchase and sale of stocks, or in any other profession, occupation or calling other than that of his duties of cashier, such cashier, upon conviction thereof in any court of criminal jurisdiction, shall be sentenced to pay a fine not exceeding five hundred dollars: *Provided*, That this section shall not be construed in such manner as to prevent any cashier from managing his own real estate or private property as heretofore, if such private property be not vested in mercantile, mechanical or manufacturing operations.

ARTICLE VI.

Directors not allowed emolument No director, except the president, shall be entitled to any emolument, unless the same shall have been allowed by the stockholders, at a general meeting.

ARTICLE VII.

Stated meeting of directors. The stated meetings of the directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by particular appointments, or upon the call of the president; a majority of the whole number of the directors, of whom the president shall be one, shall form a board or quorum for the transaction of any business; but ordinary discounts may be made by the president and four other directors; in case of sickness or necessary absence of the president, his place may be supplied by a president pro tempore, to be appointed by the directors from among their number.

ARTICLE VIII.

General meeting of stockholders may be called. The board of directors, or any twenty stockholders thereof, being together proprietors of one-twentieth part of the stock, may at any time call a general meeting of the stockholders for purposes relative to the institution, giving at least thirty days' notice thereof in one or more newspapers in the city or county in which the bank is located, specifying in such notice the object or objects of such meeting.

ARTICLE IX.

Annual meeting of stockholders. A general meeting of the stockholders of the bank shall be held on the first Tuesday of November in every year, at which time the directors shall lay before them a general and particular statement of the affairs of such bank: *Provided*, That this shall not be so construed so as to compel the directors to lay before the stockholders a statement of the private account of any individual or individuals.

ARTICLE X.

The stock of the bank shall be assignable and transferable on the books of the corporation only, and in the presence of the president or cashier, in such manner as the by-laws shall ordain; but no stockholder indebted to the bank for a debt actually due and unpaid, shall be authorized to make a transfer or receive a dividend until such debt is discharged, or security to the satisfaction of the directors given for the same.

Stock transferable.

ARTICLE XI.

The rate of discount at which loans may be made shall not exceed one-half of one per centum for thirty days.

Rate of discount.

ARTICLE XII.

Dividends of so much of the profits as shall appear advisable to the directors of the bank, shall be declared at least twice a year, on the first Tuesday of May and November in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom; but such dividends shall in no case exceed the amount of the net profits actually acquired, so that the capital stock of the bank shall never be thereby impaired; and if the directors of the bank shall make any dividends which shall impair the capital stock of the bank, the directors consenting thereto shall be jointly and severally liable, in any action of debt, scire facias, or bill in equity, in their individual capacities, to such corporation, for the amount of the stock so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

Dividends to be declared twice a year.

ARTICLE XIII.

It shall be lawful for such corporations to hold such lands, tenements and hereditaments only as shall be requisite for their accommodation in the convenient transaction of their business, and such as shall be bona fide mortgaged or conveyed to them in satisfaction of debts previously contracted in the course of their dealings, or purchased at sales upon judgments of any person or body politic, where the same may be necessary to secure any debt due to the said corporations; but all such lands, tenements and hereditaments, except the banking house and lot, shall be disposed of within five years after such corporations are re-chartered, or after the same shall have come into their possession; not more than thirty thousand dollars shall be expended by any one of such corporations in procuring ground and erecting suitable buildings for the banking house, except in the city and county of Philadelphia and city of Pittsburg, which shall not exceed fifty thousand dollars; it shall not be lawful for such corporations, directly, or through the agency of any person or persons whomsoever, either in trust or confidence, to deal or trade with any profits, stocks, money or effects, in buying or selling any goods, wares, merchandize whatsoever; but nothing herein contained shall be so construed as to prevent any such corporation from selling any public stock of which it may be possessed; such corporations shall not be at liberty to purchase any stock whatsoever to a greater amount than one-third of the capital stock actually paid in; and

Hold lands, &c.

that in the stock or loans of this State and of the United States, except their own bank stock and such stocks as shall be taken in satisfaction of debts previously contracted, such corporations shall not deal or trade in any thing but bills of exchange, promissory notes, gold and silver, and bullion, or in the sale of goods truly pledged for money lent and not redeemed in due time, or in goods which may be the produce of their lands.

ARTICLE XIV.

Bills obligatory
and of credit, as-
signable.

The bills obligatory and of credit, under the seal of such corporations, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as absolutely to transfer and invest the property and legal title thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and bills or notes which may be issued by order of any of the said corporations, signed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of such corporation, shall be binding and obligatory upon the same in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons, that is to say: those which shall be payable to any person or persons, his, her or their order shall be assignable by endorsement, in like manner and with like effect as foreign bills of exchange now are; and those which are payable to bearer shall be negotiable and assignable by delivery only; and all notes or bills at any time discounted by such corporation, or deposited for collection, and falling due at such bank, shall be and they are hereby placed on the same footing as foreign bills of exchange, so that the like benefits shall be had in the payment and the like remedy for the recovery thereof against the drawer or drawers, endorser or endorsers, and their representatives, and with the like effect, except so far as relates to damages; any law, custom or usage to the contrary in anywise notwithstanding.

ARTICLE XV.

Books, papers,
&c., subject to
inspection of di-
rectors.

The books, papers, correspondence and funds of the said several banks shall at all times be subject to the inspection of the directors, who shall keep fair and regular entries of their proceedings, in a book to be provided for that purpose; and on any question where two directors shall require it, the yeas and nays of the directors voting shall be inserted on their minutes, and those minutes shall at all times, on demand, be produced to the stockholders at a general meeting; and the minutes, books and papers shall be subject to the inspection of any committee who shall be authorized by the legislature to require the same.

Auditor general,
duty of.

SECTION 11. It shall be the duty of the auditor general to require the cashiers of the said banks, on some discount day to be designated by him, in every quarter of the then current year, one of which shall be in the month of November, to make and return to him the exhibits hereinafter provided for, which exhibits the auditor general shall pre-

pare in tabular form, and communicate the same to both branches of the legislature within ten days after their meeting.

SECTION 12. It shall be the duty of the cashier of any such bank, for the time being, to prepare, upon the requisition of the auditor general, a just and full exhibit of the affairs and condition of the bank, on at least four different discount days of the then current year, to be designated by the auditor general, one of which shall be in the month of November, so as to exhibit the entire amount of the assets of the bank, and every item thereof, under the separate heads; and also the entire amount of the indebtedness and liabilities of the bank, and every item thereof, under separate heads, setting forth, on the one side, particularly, so as to give a full and proper view of all the assets belonging to the bank, first, the amount of gold and silver in the vaults of the bank; the amount of current notes, checks and bills of other banks; the amount of uncurrent notes, checks and bills of other banks; the amount of any other obligations of other banks; the amount of bills and notes discounted, designating the amount under protest; the amount of the mortgages of the bank, and the assessed value, for the preceding year, of the real estate bound by such mortgages; the amount of prior mortgages, judgments and other liens; the amount of judgments held by the bank, and the assessed value, for the preceding year, of the real estate bound by such judgments; the amount of prior judgments, mortgages and other liens; the amount of the real estate held and owned by the bank, and the assessed value, for the preceding year, of each separate piece or parcel of real estate owned by the bank, and its location; the amount due from other banks that are solvent, giving the name of each bank from which the same is due, together with the amount so due by each one of said banks; the amount due from insolvent banks, the names of such banks, and the amount due from each one; the amount of public and corporate stocks and loans, the nature and kind of loans and stocks, designating particularly in what companies or corporations the stocks or loans are held, and the amount of stocks or loans of each company or corporation so held; the amount of bonds held, designating particularly the nature and character of the bonds held; the amount of treasury notes; the amount of claims against individuals or corporations that are disputed or in controversy; the amount of all other debts and claims either due or to become due; and the value of any other property of the bank, as the same stands charged on the books or otherwise; which said exhibit shall also set forth, on the other side, the debts and liabilities of the bank on the discount days designated by the auditor general, specifying separately, under distinct heads, the various kinds of liabilities and indebtedness; the amount of capital stock actually paid in; the amount of the circulation; the amount of deposits, certificates of deposits; the amount due the commonwealth; the amount due to corporations; the amount due to banks; the amount due to individuals; and the amount of claims against the bank remaining in controversy; and any other items of indebtedness or liabilities not embraced in the foregoing specifications.

Exhibit.

SECTION 13. It shall moreover be the duty of the cashier, in preparing the exhibit required in the preceding section of this act, for the month of November preceding the meeting of the legislature, to state, in regard to each item and sub-division of the assets of the bank, what is, in the judgment of the said cashier, the actual marketable cash value of each item of the same; and the amount of current notes of other banks on hand at the time the exhibit is made out; also, the amount of uncurrent notes held by the bank.

Cashier, duty of.

Exhibit to be
verified by oath.

SECTION 14. The exhibit agreeably to the twelfth and thirteenth sections of this act, shall be verified and accompanied with the oath or affirmation of the cashier of the said bank, duly attested before some officer authorized by law to administer oaths, to the following effect, namely: that he, the cashier, has carefully examined the books and muniments of the bank, and has compared the same with the said exhibit, and that he verily believes the said exhibit or statement presents a true, fair and full view of the actual condition of the bank; and in addition to the above, the exhibit made for the discount day in the month of November preceding the meeting of the legislature, shall be accompanied with the oath or affirmation of the cashier of the said bank, setting forth that he has inspected the several items of assets, or the evidence thereof, in the said exhibit referred to; and that he has, according to the best of his judgment and ability, valued each of said items of assets at the absolute cash price which it would produce at the time, and that, in his judgment, the actual assets of the bank are intrinsically worth the amount of the valuation so made by him.

President, directors,
cashier and
officers to take
oath.

SECTION 15. The president, directors, cashier and other officers of any such bank shall, before they enter on the duties of their several offices and stations, severally take an oath or affirmation, to be administered by some officer authorized by law to administer oaths or affirmations, to observe, faithfully and honestly, the provisions of this act; and that they, and each of them, during their continuance in office, will not knowingly violate, or sanction or willingly permit any of the provisions of this act to be violated; and that should any such violation take place without their concurrence known to them, that they will immediately communicate the facts to the auditor general of the commonwealth; the said oath or affirmation so to be taken, shall be subscribed, and immediately delivered to the auditor general, to be filed in his office.

Punishment for
violation of this
act.

SECTION 16. If any president, director, cashier or other officer of any such bank shall, after having taken and subscribed the oath required by this act, wilfully violate any provision of this act, for which no other criminal punishment is specially provided in this act, he shall be taken and deemed to have committed a misdemeanor, and upon conviction in any criminal court in this commonwealth, he shall suffer such punishment by fine not exceeding one thousand dollars, and imprisonment in the county jail or penitentiary not exceeding three years.

Total liability not
to exceed three
times the amount
of capital stock
paid in.

SECTION 17. The total liabilities of any such bank, exclusive of the capital stock, shall not, at any time, exceed three times the amount of the capital stock paid in; nor shall the debts of any kind due and to become due to the bank, ever amount to more than four times the capital stock paid in; and the said banks shall neither loan nor discount when their circulation shall be equal, for thirty consecutive days, to three times the amount of specie, state and United States loans, and notes of specie paying banks in their possession belonging to said banks, and any balances standing to the credit thereof, in specie-paying banks, convertible into specie at the pleasure of the said banks.

Auditor general
may at any time
require the cash-
ier to make re-
turn of circula-
tion, &c.

SECTION 18. The auditor general may at any time require the cashier of any such bank to state and return, on oath or affirmation, the amount of the circulation of the bank for any consecutive period of thirty days, in the current year, which he may designate; and also, for the same period, the amount of specie, the state of Pennsylvania and United States loans, and notes of specie-paying banks in its possession, belonging to the said bank, and the balance standing to its credit in specie-paying banks, convertible into specie at the pleasure of the bank; and

also, the whole amount of its liabilities and debts due and to become due; and if, upon the return so made, it shall appear that any of the provisions of the seventeenth section of this act have been violated for the said period of thirty days so designated by the auditor general, he shall give notice thereof to the governor, who shall thereupon issue his proclamation, declaring the charter of the said bank to be forfeited.

SECTION 19. If the charter of any such bank shall be forfeited in manner provided in the preceding section, after proclamation made by the governor, then the directors of said bank shall forthwith make and execute an assignment, in the manner provided in the twenty-seventh section of this act, and thereupon proceedings shall be had in the manner provided in that section; if the directors of the said bank should neglect or refuse to make the assignment provided for in this act, every director so neglecting or refusing shall be guilty of a misdemeanor, and upon conviction in any criminal court in the commonwealth, be imprisoned in the jail of the proper county, for any period not exceeding two years, at the discretion of the court.

Assignment to be made in case of forfeiture of charter.

SECTION 20. If any president, cashier, director or any other officer or clerk of any such bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to said institution, or left with the same as a special deposit or otherwise, he or they, upon conviction of such offence, shall be fined in any amount not less than the sum so appropriated or embezzled, and sentenced to undergo imprisonment in the proper state penitentiary, to be kept in separate and solitary confinement at hard labor, for any term not exceeding five years: *Provided*, That this shall not prevent any person or persons aggrieved from pursuing his, her or their civil remedy against such person or persons.

Embezzlement, how punished.

SECTION 21. The said banks shall pay into the treasury of the state, in the manner now directed by law for the payment of a tax on dividends, as follows: on all dividends which do not exceed six per cent. per annum, eight per cent.; on dividends exceeding six per cent. and not exceeding seven per cent. per annum, a tax of nine per cent.; on dividends exceeding seven per cent. per annum and not exceeding eight per cent. per annum, a tax of ten per cent.; on dividends exceeding eight per cent. per annum and not exceeding nine per cent., a tax of twelve per cent.; on dividends exceeding nine per cent. and not exceeding ten per cent., a tax of thirteen per cent.; on dividends exceeding ten per cent. and not exceeding eleven per cent., a tax of fifteen per cent.; on dividends exceeding eleven per cent. and not exceeding twelve per cent., a tax of seventeen per cent.; on dividends exceeding twelve per cent. and not exceeding fifteen per cent., a tax of twenty per cent.; on dividends exceeding fifteen and not exceeding twenty per cent., a tax of twenty-five per cent., and on all dividends exceeding twenty-five per cent. a tax of thirty per cent.

Tax on dividends

SECTION 22. It shall not be lawful for any such bank to issue and put in circulation any bill or note of said bank payable at any other place than at said bank, or otherwise than payable on demand, and of a denomination less than five dollars; and any violation of this section by any officer of any such bank, shall be a misdemeanor, punishable, upon conviction, by a fine of not less than five hundred dollars, and imprisonment in the jail of the proper county not less than one year.

Notes of a less denomination than five dollars prohibited.

SECTION 23. No director of any such bank shall appear as drawer or endorser, or as both drawer and endorser, at any one time, for a greater amount than three per cent. on the capital stock paid in; and the gross amount discounted for or loaned to all the directors and other

Discount to directors.

officers of said bank, and to the houses or firms in which they may be interested directly or indirectly, shall not exceed at any one time the sum of six per cent. on the capital stock paid in.

Failure to redeem notes, &c., to be deemed a forfeiture of charter.

SECTION 24. If any such bank shall at any time fail or refuse to redeem its notes and pay its liabilities in gold and silver coin, upon demand being made at the banking house of said bank during banking hours, such failure or refusal shall be deemed and held to be an absolute forfeiture of the charter of said bank.

Cashier required to give certificate of the time and amount of deposit, &c.

SECTION 25. It shall be the duty of the cashier of any such bank, when required, to give a certificate of the time and the amount of the deposit to every person making a deposit; and if any of the said banks shall at any time refuse or neglect to pay on demand in gold or silver, any bill, note or obligation issued by such banks, according to the contract, promise or undertaking therein expressed, or shall neglect or refuse to pay on demand in gold or silver, any moneys received in such bank on deposit, except in the case of special deposits, when the contract is different, to the person or persons entitled to receive the same, then and in any such case, the holder of any such note, bill or obligation, or the person or persons entitled to demand and receive such moneys as aforesaid, shall be entitled to receive and recover interest on the said notes, bills, obligations, certificates or moneys until the same shall be fully paid and satisfied, at the rate of twelve per cent. per annum, from the time of such demand as aforesaid until the same is paid; and it shall be the duty of the president or cashier of the bank, and he is hereby required, to make, at the time of demand being made for the payment of any note, bill or obligation, or any moneys deposited as aforesaid, the payment of which in gold or silver shall have been refused, an endorsement on the said note, bill, obligation or certificate of deposit, setting forth the day and year when the payment thereof was demanded, and subscribe his name thereto; and if the said president or cashier shall evade, neglect or refuse making such endorsement at the time and in the manner hereinbefore required, he shall forfeit and pay to the holder of such note, bill, obligation or certificate the sum of one hundred dollars, to be recovered in the same manner as debts of like amount are by law recoverable: *Provided*, That nothing in this act shall be construed to prevent any bank from redeeming its own notes with the notes of any other bank when the demand is made on behalf of such other bank.

One-fifth of notes to be paid in American gold coin.

SECTION 26. That whenever any demand for specie shall be made by a note-holder of any bank, subject to the provisions of this act, it shall be the duty of the cashier or other officer of the bank upon whom such demand is made, to pay one-fifth of the amount of such demand in American gold coin, if the same shall be requested by the note-holder making such demand: *Provided*, That the one-fifth of such demand be not less in amount than five dollars.

Proceedings in case of assignment.

SECTION 27. Upon application to any court of common pleas, or district court, of the proper county, or a single judge thereof in vacation, on the oath or affirmation of any person setting forth that he or she had presented to the proper officer or officers of such bank, located within said county, a note or notes, or certificates of deposit or other liability issued by the same, except notes issued by authority of the act of fourth May, one thousand eight hundred and forty-one, and demanded the payment thereof in gold or silver coin, which said bank had refused or failed to pay, it shall be the duty of said court, if in session, or a judge in vacation, to direct a citation to be issued by the prothonotary of said court, to the president, cashier, or other officer of said bank, in the nature of a summons, which it shall be the duty of the sheriff

or coroner of the proper county to serve forthwith, commanding the president, cashier, or other officer of the said bank to appear at the time and place designated by the said court or judge, not less than four nor more than eight days thereafter; in case none of the officers of the bank can be found, the service shall be made by posting a copy of the citation on the front door of the banking house during banking hours; and upon the hearing of the parties, if the said court or judge shall be satisfied of the truth of said complaint, and that the provisions of the twenty-fifth section of this act have been wilfully violated, then the directors of the bank shall make and execute, under their corporate seal, a general assignment of all the estate, real and personal, of the bank, to such person or persons as they may select, subject to the approval of the court of common pleas, or district court, of the proper county; the assignment shall be recorded in the office of the recorder of deeds of the proper county, within thirty days from the execution thereof; the said assignee or assignees, before entering on the duties of their office, shall take and subscribe an oath or affirmation, to execute the trusts confided to them with fidelity, which oath or affirmation shall be filed in the office of the prothonotary of the proper county, and shall give such security as the said court may deem amply sufficient to secure the faithful execution of the said trust, they shall proceed to sell at public sale all the real and personal estate of said bank, and shall collect all the outstanding debts, and for this purpose may use the corporate name of the bank: *Provided however*, That the said assignees shall receive in payment of debts due to said bank, its own notes and obligations, and the checks of its depositors, at par; the said assignees shall, once in every six months, file an account of their receipts and disbursements in the office of the prothonotary of said court, verified by their oaths or affirmations; they shall, at least once in every six months, make a pro rata dividend of the balance in their hands among the creditors of the bank who shall in pursuance of public notice given in such manner and form as shall be directed by the court, have made claim and delivered up the evidence of their claims, if such evidence be in writing, to the said assignees, and receive from the said assignees a certificate, stating particularly the nature of the claim and the amount thereof; the said assignees shall be allowed such commission or compensation for their services as may be agreed upon in such assignment, with the approbation of the court, and shall be subject, except as herein otherwise provided, to the several provisions of the act of assembly passed the fourteenth day of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors, and other trustees:" *Provided*, That the corporate powers of the bank shall, after the making of the assignment, cease and determine, except so far as may be necessary for the following purposes, to wit:

First. For the purpose of suing and being sued, and for continuing all suits and proceedings at law or in equity, pending for or against the bank.

Second. For the purpose of making such assurances, conveyances and transfers, and doing all such acts, matters and things as may be necessary or expedient to make the said assignments, or the trusts thereof effectual.

Third. For the purpose of citing the said trustees to account, and compelling them to execute the said trusts.

Fourth. For the choosing of directors for the purpose of receiving and distributing amongst the stockholders of the said bank, such surplus as shall remain after discharging all the debts of the bank.

Attachments.

SECTION 28. It shall be the duty of the said court, or any judge thereof, on application and proof as aforesaid, if it shall be deemed necessary for the protection of parties interested, to issue an attachment commanding the sheriff or coroner forthwith to seize and take possession of the banking house, books, moneys, deposits, papers and effects thereof, and to deliver the same to the trustees, when legally authorized to receive them; and if the directors shall not within ten days thereafter, make an assignment as hereinbefore provided, the trustees appointed by the court shall by operation of law, be vested with the same rights and powers as if such assignment had been made: *Provided*, That no person shall be appointed a trustee under this act, who is a director or other officer of the bank, or who has been so one year previous thereto.

Winding up of affairs.

SECTION 29. It shall be lawful for the directors of every such bank, whenever it may be deemed expedient by a majority of the stockholders in number and interest, to wind up the affairs of such bank, to make a general assignment of all the estate, real and personal, of the bank, subject to the conditions and provisions relating to assignments by directors of banks, provided in the twenty-seventh section of this act.

Bank prevented from issuing bank notes except its own.

SECTION 30. It shall not be lawful for any of the said banks to issue or pay out any bank notes other than those issued by itself, payable on demand in gold or silver; notes of specie-paying banks of this state which are taken on deposit, or in payment of debts, at par at the counter of the bank where paid out, or notes of banks issued under the authority of the act of the fourth of May, one thousand eight hundred and forty-one, at the option of the person receiving the same; and any violation of this provision shall work an absolute forfeiture of its charter, and be proceeded in the manner provided in the twenty-seventh section of this act.

Notes of a certain denomination prohibited.

SECTION 31. It shall not be lawful for any bank to create or put in circulation, any note, bill, check, ticket or paper purporting to be a bank note of any denomination between five and ten, ten and twenty, or twenty and fifty dollars.

Individual liability.

SECTION 32. The stockholders of every such bank, in addition to the corporate liability, shall be jointly liable to the creditors of said bank, being note-holders, in their individual capacities, for the amount of all notes issued; and the manner of enforcing such liability shall be as follows: in case the said bank shall violate the provisions of this act, so as to forfeit its charter, or becomes insolvent and in failing circumstances by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of this act, the assignees so appointed shall proceed to make a fair and equitable appraisement of the assets of the said bank of every description, at their cash value; and also to make a list of all the debts due by the said bank, and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make up such deficiency, in proportion to the respective amounts of stock held by each, at the time such assignment is made.

Assignees, duties of.

SECTION 33. It shall be the duty of the assignees aforesaid to cause a scire facias, in the name of the commonwealth of Pennsylvania, to be issued by the prothonotary of the court of common pleas, or district court, of the county in which the bank is located, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas, or district court, in said county, and shew cause why execution should not be issued against them for such amount; and such scire facias shall also

set forth the proportions due from each of the said stockholders ; and it shall be the duty of the sheriff of said county to serve the said writ upon all stockholders named in said writ residing within his bailiwick ; and it shall be lawful for the court of common pleas, or a judge in vacation, to make such order in reference to giving notices to stockholders, non-residents of the county, and named in said writ, as the case may require : *Provided*, That the writ of scire facias shall not abate by reason of the non-joinder or mis-joinder of any stockholder, but any stockholder not named in the said writ of scire facias may, on motion to the court issuing the same, and upon due notice, as the said court shall direct, be made defendant in said proceedings, in the same manner as if originally named in such process and duly served therewith ; and in case it shall appear that one or more persons in said writ named are not liable, under the provisions of this act, it shall not vitiate the proceedings against the others.

SECTION 34. On the return day of said writ of scire facias, it shall be the duty of the said court to render judgment against the stockholders named in said writ, for the several amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases ; but if any suit be disputed, it shall be lawful for the court to direct an issue to try the same.

Rendition of judgment.

SECTION 35. If the amount assessed on the shares of any stockholder, under the provisions of this act, shall not be collected from such stockholder by reason of his insolvency, or his absence from this State, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within one year previous to the assignment of the said bank, shall have received a transfer of the shares, or any portion of the shares then held by him ; and any person having made such transfer being made a party by an alias writ of scire facias, shall be liable in the same manner and for the same proportion that he would have been liable had he continued to hold the shares so transferred : *Provided*, That any person having made an assignment or transfer of his or her stock in the said bank, may discharge himself or herself from liability under this section, by showing that the transactions which caused the insolvency of said bank were made after such assignment or transfer, or such part thereof as he or she may show occurred after such transfer or assignment.

Proceedings in case of insolvency of stockholder.

SECTION 36. Every individual who may own stock in his or her own name, or in the name of any other person or persons, at the time of such assignment, shall be deemed liable for his or her proportions, under the provisions of this act ; but it shall be lawful for any stockholder of the said bank, either before or after process shall have issued, to pay his or her proportionable share of liability to the assignees, and receive a full discharge from them ; and the process shall be proceeded in only against the other stockholders who are liable.

Individuals owning stock in their own or other persons names, liable for their proportions, &c.

SECTION 37. The term stockholder as used in the preceding sections of this act, shall extend to every person holding stock in his own name, and also to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency in the name of another person, and to every person who shall have advanced the instalment or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years ; but no trustee appointed by a last will and testament, or by a court of competent authority, and no legal or equitable owner of stock, under the age of twenty-one years, shall be individually liable on account of the shares so held.

Construction of the word stockholder.

Provisions of certain act to extend to this act. SECTION 38. The several provisions of the act of the fourteenth June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank, except as hereinbefore provided; and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel a settlement of the accounts of the assignees, and to do any other act necessary and proper to accomplish the purposes of the trust, and to compel the distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled, according to the just proportion due to each.

Order of payments.

SECTION 39. The said assignees shall pay out of the assets and property of the said bank, in case of an assignment, the debts and liabilities in the following order:

First, noteholders.

Second, depositors.

Third, all other creditors, except stockholders, who shall be last paid.

When directors liable.

SECTION 40. If the insolvency of the said bank be occasioned by the fraudulent conduct of the directors of the said bank, the directors by whose acts or omissions the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the stockholders and creditors of the said bank for his proportional share of the losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its re-imbursement.

When insolvency deemed fraudulent.

SECTION 41. The insolvency of every bank hereafter incorporated shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and with the same care and diligence that agents, receiving a compensation for their services, are bound by law to observe.

Construction of the term insolvency.

SECTION 42. The term insolvency used in this act shall be construed to apply to the said bank when it is compelled to make an assignment according to the provisions of this act; and it shall be thereupon the duty of the directors of the said bank, for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas or district court of the proper county, verified by oath or affirmation, a full statement of its affairs, containing:

Statement.

I. An account of the capital stock of the bank, the amount paid in, and the amount of stock held by such corporation.

II. Quantity, description and value of the real estate of the said bank.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

IV. The debts owing to said bank, and the amount of said debts that are collectable.

V. The amount of debts owing by said bank, with the amount of notes or bills in circulation, amount of deposits and all other liabilities, together with an account of its loans and discounts, and of specie on hand.

VI. A particular account of the losses of the corporation, and the cause of its insolvency.

VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank, at the time of and for one year prior to the time of the assignment.

Statement to be filed.

SECTION 43. If the court shall be in session when the statement is filed, the same shall be immediately presented to the court by the said directors for examination, and if the court shall not be in session at

such time, then the said statement shall be presented upon the first day of the session of the court thereafter; and it shall thereupon be the duty of the court to appoint three competent auditors, who shall be sworn or affirmed to make a strict investigation of the affairs of such bank, and of the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity.

SECTION 44. The auditors thus appointed shall have power to compel the production of the books and papers, and to subpoena and examine the directors and officers of such bank, and generally to have and exercise all the authority now conferred on auditors by existing laws; and after having performed their duties, they shall report to the court the result of their investigation, and in case they report that the insolvency was fraudulent, it shall be their duty also, to ascertain and report the amount due from the several directors, according to the liabilities imposed by this act.

Auditors, powers of.

SECTION 45. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of such bank was fraudulent or otherwise, or if they deem it necessary for the purpose of justice, they may direct an issue at the request of any person interested, to try the fact of fraudulent insolvency; and if the judgment of the court upon the report of the auditors, or upon the verdict rendered upon such issue, shall be that the insolvency of such bank was fraudulent, then and in such case, the said court shall proceed to decree against the directors, the amount due from each according to their several liabilities; and the said court of common pleas or district court, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons, and to compel obedience to their orders and decrees and enforce execution thereof, as are by law vested in the said courts in cases of trust.

Court to investigate report.

SECTION 46. In addition to the taxes imposed on the dividends of banks incorporated, subject to the provisions of this act, such bank shall pay a tax of four and one-half mills per annum, for the use of the commonwealth, on every dollar of the capital stock paid in; such tax shall be retained and deducted by the officers having charge of the bank from the dividends made or declared, and shall be paid into the treasury of the commonwealth, at the same time and in the same manner provided by existing laws in relation to taxes on bank dividends: *Provided*, That the capital stock of such banks shall not be subject to taxation for any other purpose than state purposes, or to any other tax on the capital stock under existing laws.

Tax for use of commonwealth.

SECTION 47. That it shall be obligatory on the several banks of this commonwealth, to keep their notes respectively at par in the cities of Philadelphia and Pittsburg, to wit: those located east of the Allegheny mountains, shall keep their notes at par in the city of Philadelphia, and those located west of the Allegheny mountains, shall keep their notes at par in the city of Pittsburg; any bank failing to comply with the provisions of this section, shall for such length of time as its notes may be under par as aforesaid, forfeit and pay to the state treasurer for the use of the commonwealth of Pennsylvania, at the rate of two mills per annum on every dollar of the average amount of the circulation of such bank for the preceding year; such forfeiture to be paid on or before the third Monday in November in each year; it shall be the duty of the cashiers of the several banks to state in their annual exhibits made to the auditor general, the length of time that their notes have been under par as aforesaid: *Provided*, That no forfeiture or penalty

Notes to be kept at par in the cities of Philadelphia and Pittsburg.

shall be incurred under the provisions of this section, until after the first day of August next.

Notes of a less denomination than five dollars issued by banks not located in this state, prohibited.

SECTION 48. That from and after the twenty-first day of August, one thousand eight hundred and fifty, it shall not be lawful for any person or persons, corporation or body corporate, directly or indirectly, to issue, pay out, pass, exchange, put in circulation, transfer, or cause to be issued, paid out, passed, exchanged, circulated or transferred, any bank note, note, bill, certificate, or any acknowledgment of indebtedness whatsoever, purporting to be a bank note, or of the nature, character or appearance of a bank note, or calculated for circulation as a bank note, issued, or purporting to be issued by any bank or incorporated company, or association of persons, not located in Pennsylvania, of a less denomination than five dollars; every violation of the provisions of this section by any corporation or body corporate, shall subject such corporation or body corporate to the payment of five hundred dollars; and any violation of the provisions of this section by any public officer holding any office or appointment of honor or profit under the constitution and laws of this state, shall subject such officer to the payment of one hundred dollars; and any violation of this section by any other person, not being a public officer, shall subject such person to the payment of twenty-five dollars, one-half of which, in each case above mentioned, shall go to the informer, and the other half to the county in which the suit is brought, and may be sued for and recovered as debts of like amount are now by law recoverable in any action of debt, in the name of the commonwealth of Pennsylvania, as well for the use of the proper county, as for the person suing.

Additional penalty for violation of last preceding section.

SECTION 49. That in addition to the civil penalties imposed for a violation of the provisions of the last preceding section, every person who shall violate the provisions of that section, shall be taken and deemed to have committed a misdemeanor, and shall, upon conviction thereof in any criminal court in this commonwealth, be fined in any sum not less than one dollar, and not more than one hundred dollars; and the several courts of quarter sessions shall, in their charges to the grand jury, call their attention to this subject; and it shall be the duty of the several grand juries to make presentment of any person within their respective counties, who may be guilty of a violation of the provisions of the last preceding section; and it shall be the duty of the several constables and other peace officers within this commonwealth, to make information against any person guilty of such violation, and they shall be sworn so to do: *Provided*, That it shall not be necessary, in any civil suit or criminal prosecution under this section, and the last preceding section, to produce, in evidence, the charter of any bank, or articles of association of any company, not located in this state.

Branch or agency prohibited.

SECTION 50. Each and every bank in this commonwealth, or any other state, is hereby prohibited from establishing, maintaining, keeping or continuing, directly or indirectly, in the name of one or more individuals, in any manner or by any device whatever, either for its own sole benefit and profit of its officers or any of them, in whole or in part, any branch or agency for the transaction of banking business, or the issuing out of or circulation of its notes at any other place than that fixed and named in its charter for its location and the transaction of its business, without the express authority of an act of assembly of this commonwealth to do so; and any and every infraction of this prohibition by any bank in this commonwealth, after the passage of this act, shall be deemed and held to be a forfeiture of the charter of any and every bank so offending or acting contrary to the provisions of this section; and the fact of any bank in this commonwealth so offend-

ing shall be ascertained, verified and determined in the same mode and manner as is provided by the twenty-seventh section of this act, in any case of any bank refusing or failing to pay its liabilities in gold and silver coin, and the like proceedings shall be had in such case thereafter as is provided by this act; and during the period of continuance of any such branch or agency by any bank of this commonwealth, such bank so offending, shall in each year of such continuance, be subject to and pay quadruple the amount of all taxes chargeable on and to be paid by the same in the whole current year.

SECTION 51. That the provisions contained in the twenty-third section of this act shall not be held to embrace actual business paper, bona fide drawn or made by any director in the regular course of his private business, and offered for discount by the holder or holders thereof.

Construction of
twenty-third sec-
tion of this act.

SECTION 52. That it shall be the duty of the cashier of any such bank, on the first Monday in January in each year, to cause to be forwarded to the auditor general, a certified list of the names of any persons having unclaimed dividends or deposits in such bank, which shall have remained unclaimed for three years, or the amount of which has neither been increased nor diminished for the period of three years then next preceding.

Cashier to for-
ward to auditor
general certified
list of names of
persons having
unclaimed divi-
dends or deposits,
&c.

SECTION 53. The legislature reserves the power to alter, revoke or annul the charters of all such banks, whenever, in their opinion, it may be necessary for the public welfare; in such manner, however, that no injustice be done to the corporators.

Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 323.

AN ACT

To incorporate the borough of Pleasantville, in the county of Venango.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Aaron Benedict, William Dawson and M. C. Beebe are hereby ap-
pointed commissioners to survey, define and mark boundaries to a
territory from such part or parts of tracts, numbers one hundred and
nine, one hundred and ten, one hundred and eleven, one hundred and
twenty-eight, one hundred and twenty-nine, one hundred and thirty, one
hundred and fifty-seven, one hundred and fifty-eight, one hundred

Commissioners.

Boundaries.

and fifty-nine, in the township of Allegheny, and county of Venango, including the village of Pleasantville, as to them shall appear best calculated to promote the general good; and said commissioners shall make return of said survey to the recorder of Venango county, who shall record the same, that it may appear as evidence of said boundaries; and the territory above described is hereby erected into a borough, to be called the borough of Pleasantville: *Provided*, That the boundary lines of said borough shall not include more than six hundred acres of land.

Proviso.

Annual election.

Burgess.

Town council.

Constables.

Justices of the peace.

SECTION 2. The inhabitants of said borough qualified to vote for members of the general assembly, shall on the third Friday of May next, and on the third Friday of March in each year thereafter, meet at the school house in said borough, and then and there between the hours of one and seven o'clock in the afternoon elect by ballot, one citizen who shall be styled the burgess of said borough, and four other citizens to be members of the town council, two to serve one year, and two to serve two years; and at the first election three school directors, one to serve one year, and one for two years, and one for three years, and thereafter one school director and two councilmen annually, and one person to be constable of said borough, whose name shall be returned to the next court of quarter sessions for the like purposes as in the election of township constables; the said inhabitants shall also at the same time and place, elect two justices of the peace, one judge and two inspectors of elections, and assessors, agreeably to the laws of this commonwealth; the said elections shall be conducted in the same manner as is provided for the election of township officers of this commonwealth, except that the certificates of the election of burgess, town council and school directors shall be filed among the records of the corporation: *Provided*, That the first election to be held under this act shall be held by a judge and inspectors, to be chosen by the inhabitants present at the opening of the election, by the constable of Allegheny township, who is hereby required to attend at the school house in said borough, on the third Friday of May next, at the usual time and place of holding their spring elections.

Style.

Privileges.

SECTION 3. That from and after the third Friday of May next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style and title of "The burgess and town council of the borough of Pleasantville," and shall have, possess and enjoy all the rights, liberties, franchises and privileges of a borough incorporated in pursuance of the act passed first of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs;" and the several provisions of said act, so far as the same are not inconsistent with this act, shall extend to and be in force within said borough, as fully as if the said borough had been incorporated agreeably to the provisions thereof.

Constable, duties of.

SECTION 4. The constable of said borough shall perform the duties of high constable until otherwise provided; but the burgess and town council may authorize the election or appointment of a high constable if they deem it expedient.

School directors.

SECTION 5. The school directors elected under this act shall perform the same duties and possess the like powers in all respects as school directors elected agreeably to the general laws of this commonwealth.

Separate election district.

SECTION 6. The said borough shall be a separate election district, and the electors thereof shall hold their borough and general elections at the school house in said borough.

SECTION 7. The said borough shall be a separate school district, and shall be entitled to all arrearages of taxes levied on property within the borough, and remaining unappropriated at the passage of this act. Separate school district.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 324.

A N A C T

To incorporate the Honesdale water company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Zenas H. Russel, Russel F. Lord, Thomas H. R. Tracy, Richard L. Leely, Henry W. Stone, C. C. Graves, Isaiah Snyder, John Kelly, William H. Dimmick, Stephen W. Genung, Samuel E. Dimmick, Edward Murry, John A. Patmore, Oliver Hamlin, Stephen D. Ward, F. M. Crane, M. H. Tracy, H. B. Beardslee and Theodore Groves be and they are hereby appointed commissioners, who, or a majority of them, are hereby authorized and empowered to carry into effect the establishment of a company, to be called the Honesdale water company, for the purpose of introducing into the borough of Honesdale, in the county of Wayne, a sufficient supply of fresh and pure water for the use of the inhabitants of said borough. Commissioners.

SECTION 2. It shall be the duty of the said commissioners, or a majority of them, to procure a book or books in which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay the Honesdale water company the sum of twenty-five dollars for every share of stock in said company set opposite to our names, in such manner and proportions as shall be determined on by the board of managers of said company. Witness our hands the day of in the year of our Lord, one thousand eight hundred and fifty ;" and the said commissioners, or a majority of them, shall fix on a time and place in the said borough of Honesdale, for the opening of said book or books to receive subscriptions of stock to said company, and shall give notice thereof of such time and place for at least two weeks previous, in the newspapers published in said borough, at which time and place said commissioners, or a majority of them, shall attend for the purpose of receiving such subscriptions, and shall permit all persons of lawful age who shall offer to subscribe in the said books in their own names for shares in said stock; and the said book Name.
Purpose.
Duty of commissioners.

or books shall be kept open for the purpose aforesaid, for at least six hours in each juridical day for the space of three days, or until there shall have been subscribed six hundred shares, and if at the expiration of three days the books aforesaid, shall not have thereon subscribed the number of shares aforesaid, the commissioners may adjourn from time to time, and transfer the books elsewhere; until the whole number of six hundred shares shall be subscribed; of which adjournment and transfer the commissioners shall give such public notice as they may deem just and necessary, and when the whole number of shares shall be subscribed then the books shall be closed: *Provided*, That no subscription shall be valid unless the person so subscribing shall pay to the said commissioners at the time of subscribing, at least ten per cent. on the amount by them subscribed.

Letters patent.

Style.

Privileges.

SECTION 3. When one hundred shares or more of said stock shall have been subscribed, and the sum of ten per cent. paid thereon, the commissioners, or a majority of them, shall certify to the governor under oath or affirmation, the names of the subscribers and the number of shares subscribed by each, and that ten per cent. has been paid thereon; the governor shall by letters patent under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription shall not be full at the time, then also those that shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate in deed and in law, by the name, style and title of "The Honesdale water company," and by that name the subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, to plead and be impleaded in all courts of record and elsewhere: *Provided*, That nothing herein contained shall be so construed as in any way giving to the said corporation any banking or trading privileges whatever: *And provided further*, That said commissioners be and they are hereby authorized to take and receive subscriptions from the commissioners of the county of Wayne, in their corporate name, and from the town council of the borough of Honesdale aforesaid, in their corporate name, to so many shares of stock in said company as the said commissioners of Wayne county, and the said town council shall agree to subscribe for the use of the public offices, buildings and improvements of said county and borough.

Election of officers.

Votes.

SECTION 4. That any five or more of said commissioners shall as soon as conveniently may be after the letters patent are obtained, give at least fourteen days' notice in the newspapers published in Honesdale, of the time and place for the subscribers to meet and hold an election for officers of said company, who shall choose by ballot, five managers who shall be stockholders, to conduct the affairs of the company until the last Monday in January then next ensuing; and in all elections each stockholder shall be entitled to one vote for every share bona fide held by him not exceeding three shares, and one vote for every two shares above three and not exceeding seven shares, and one vote for every four shares held by him above seven and not exceeding twenty-one, and one vote for every five shares above twenty and not exceeding forty; but no stockholder shall be entitled to vote on any number of shares by him held above forty-one; and the commissioners of the county of Wayne, and the town council of the borough of Honesdale, shall have the same privilege to vote for the stock held by them that is hereby given to individual stockholders; and the said managers shall appoint one of their number president of the board, who shall sign all certificates of stock; the president and managers shall have power to appoint a treasurer, secretary, and such other officers and agents as may be necessary, and

take such security from their treasurer for the faithful discharge of his duties as they shall see proper; and the election shall be held annually, on the last Monday in January, at such place as may be appointed by the managers, of which at least fourteen days' notice shall be given in one or more of the newspapers published in said borough; and when vacancies happen the managers shall supply them from among the stockholders until the next annual election: *Provided*, That no mis- Misnomer.
nomer nor failure of election of officers on the day appointed shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place and after such notice as the board of managers may prescribe.

SECTION 5. That the president and managers, or any four of them, shall have power to adopt such by-laws, rules and regulations as may By-laws.
be deemed expedient for the well governing the affairs of the said company; and also shall have power to call special meetings of the stockholders whenever any circumstances occur which may render it necessary to consult them: *Provided*, That such by-laws, rules and regulations shall in no wise contravene the constitution and laws of the United States nor of this commonwealth.

SECTION 6. That the president and managers shall procure a com- Seal.
mon seal, and the certificates of stock and other official acts shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of said company, and shall deliver one such certificate signed by the president, and countersigned by the treasurer and sealed as aforesaid, unto each person for each share held by him or her, as soon as the amount due thereon shall be paid; and every such certificate shall be transferable in person, or by attorney duly authorized, in the presence of the president or treasurer of said company, in a book to be kept by the company for that purpose, and the assignee holding such certificate shall be a member of the company, and possess and enjoy all the rights and privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

SECTION 7. The president and managers shall meet at such times and places as shall be directed by their by-laws, and when met, a majority shall be a quorum; and in the absence of their president a presi- Quorum.
dent pro tem. may be chosen from the number met; and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered in a book or books to be kept for that purpose; and a quorum being formed they shall have full power to employ and contract with the engineers, artists, and such workmen as they may Engineers.
deem necessary to carry on and complete their intended works, as well as to maintain, alter and repair the same; and also, to fix the time and the manner, and in what proportion the stockholders shall pay the money due on their respective shares, and to draw on the treasurer for all moneys that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things as by this act or the by-laws, rules and regulations they shall be authorized to do.

SECTION 8. That it shall be the duty of the president and managers as soon as may be after the company shall be organized for the purpose of introducing water into said borough, to purchase and hold, in fee simple, or for any less estate, any spring or springs, stream or streams of water, or any water power or powers near or convenient to said borough, or any lands, tenements or hereditaments to which any spring or springs, stream or streams of water, or any water power or powers may be ap- Purchase
springs or water
power, &c.

putenant, with full power the same or any part thereof, or the whole of their works, to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber and demise and dispose of at their will and pleasure ; and shall convey said water into the borough of Honesdale by means of pipes, trunks, aqueducts, or in such manner as they shall deem most advisable and convenient, and should they find it necessary, to provide proper cisterns or reservoirs for the reception thereof ; and for these purposes may enter into such lands and enclosures as may be necessary, and to dig, ditch, and to lay pipe through the same, the company doing as little damage as possible to private property ; and the said president and managers shall at all times have liberty to renew and repair the pipes or trunks, cisterns or reservoirs, wherever laid and constructed on and through private property, doing as little damage as possible ; and shall also have liberty at all times, to dig and lay pipes and trunks along roads and highways and streets of the borough of Honesdale, and to renew and repair the same, shutting up and amending any breaches which they may make, as soon as possible ; and it shall be lawful for them to construct cisterns and reservoirs in the streets or public grounds in said borough, when the same may be necessary.

Erect fire plugs or hydrants, &c. SECTION 9. That the president and managers are hereby authorized, in such streets or parts of said borough where trunks or pipes may be laid down, to erect fire plugs or hydrants, to be used for extinguishing fires in said borough, for such reasonable compensation as may be agreed on between said company and the town council of said borough ; and the said water company is also authorized to supply individuals and corporations with water for family and other purposes, for such compensation as may be agreed upon between the said company and individuals or corporations, or according to the rates adopted by said company.

May call in capital stock by instalments, &c. SECTION 10. That the president and managers may call in the capital stock by instalments, as the same may be required ; and if any stockholder shall neglect to pay, after thirty days' notice published in one or more newspapers in said borough, payment may be enforced by action of debt in the corporate name of said company against such delinquents as in other cases ; and in case of inability to collect such instalment or instalments, said company may declare said delinquent stock and the money paid thereon, forfeited for the use of the company ; and whenever the debts of the company shall be paid, and the income shall exceed the expenses of the company, the president and managers shall declare a dividend on the amount of stock paid in half yearly on the last Monday in January and July in each year, and shall publish said dividend and place where the same will be paid, and shall cause the same to be paid accordingly.

Damages, how adjusted. SECTION 11. That in case the owner or owners of land and tenements through and upon which such pipes, trunks, aqueducts, reservoirs and cisterns are laid and constructed, or the owner or owners of lands upon which it may be found necessary to enter, for the purpose of digging, taking and carrying away clay, gravel or other materials necessary for the purposes contemplated by this act, or the owner or owners of any spring or springs, stream or streams of water which may be used and appropriated by the company, or any person who may be injured by the *division* of the waters used by said company, cannot agree with the said company upon the damages or compensation to be paid to the said owner or owners, person or persons, it shall and may be lawful for the parties to appoint, or in case the parties cannot agree, then on application by the party complaining, the court of common pleas of Wayne county shall appoint three disinterested and suitable persons to ascertain

and report on oath or affirmation to said court, what damages, if any, have or will be done by said company; which report having been returned and confirmed by said court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sum awarded, with reasonable costs to be assessed by the court: *Provided*, That either party may appeal from such award to the court within twenty days after the same shall have been filed in the office of the prothonotary of said county, in the same manner as appeals are allowed in other cases, whether the said report was made by persons agreed upon by the parties or appointed by the court, upon which appeal such proceedings shall be had as in other cases of damages: *Provided*, That nothing herein contained shall authorize said company to enter on the land or appropriate the property of any individual, unless the parties agree, without first giving adequate security for any damage they may occasion, to be approved of by one of the judges of the court of common pleas of Wayne county.

SECTION 12. That any person who shall wilfully destroy or injure in any manner the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of the works belonging to said company, erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome the spring or springs, stream or streams of water which shall be conveyed or brought into said borough of Honesdale by said company, or shall in any way pollute or render noxious or offensive the said water, every such person so offending, shall forfeit and pay a sum not less than five nor more than one hundred dollars, at the discretion of the magistrate before whom sued for, and to be recovered with costs, in the corporate name of the company, in the same manner as debts of one hundred dollars or under are recoverable, the one-half for the use of the person who shall give information, and the other half for the use of the company; and if any person against whom such judgment shall be rendered, shall neglect or refuse to pay the amount of such judgment, and no goods or chattles of such person can be found whereof to levy the same by execution, then such person or persons shall be committed to the jail of the county of Wayne, for any period not less than one nor more than fifty days, at the discretion of the justice rendering such judgment; and shall moreover remain liable for the full amount of damages to the said company, in any other action instituted by them, and shall moreover be subject to and indicted for the same.

SECTION 13. Any person or persons within the said borough of Honesdale, who shall take any of the said water for any purpose or use whatever, without having previously contracted for the same with the said company, shall forfeit and pay for every such offence the sum of three dollars to the said company, to be recovered before a justice of the peace in an action of debt.

SECTION 14. In case the said company shall, from want of means, be unable to carry on their said works to completion according to the intent and meaning of this act, then it shall and may be lawful for the said company to borrow any sum or sums of money not exceeding in the whole five thousand dollars, for such time and for such rate of interest as may be agreed on, and secure the same by judgment or mortgage on the land, works, and property, and franchises of the said company; which judgment, when given, or mortgage, when executed, is hereby declared to be a good and valid lien thereon to all intents and purposes; and in case of sale of said land, works, and property, and franchises, under and by virtue of said mortgage or judgment, or otherwise, the purchaser or purchasers shall become invested with all the rights, privileges, and franchises, and powers granted to said company;

Penalty for injury to works.

Further provisions.

Borrow money.

and shall annually elect directors as herein prescribed, so far as the same is applicable, and shall be subject to all the duties and liabilities herein contained, and conduct the affairs of said corporation in pursuance of the provisions of this act.

Borough of Honesdale may become the owner of the water works in a certain contingency.

SECTION 15. In case of a sale of said works and franchises of said company, the borough of Honesdale may at any time thereafter, by paying the owner of said property and franchises the amount for which the same may have been sold, together with the costs of maintaining or completing said works, with ten per cent. interest thereon, deducting therefrom any dividends may become the owner of said property and franchises, and invested therewith; and the town council of said borough shall be ex-officio managers of said company, and the business shall be conducted in the corporate name of said company, subject in every respect to the provisions of this act.

Annual statement.

SECTION 16. That the treasurer of said company shall annually make a statement of the financial affairs of said company, showing the receipts and expenditures, and such other information as he may deem necessary.

Commencement and completion of works.

SECTION 17. That if the said company shall not proceed to carry on the said works within four years after the passage of this act, or shall not, within five years thereafter, complete the same so far as to have conveyed the same within the limits of said borough, in either of these cases, all and singular the rights, liberties and franchises hereby granted to the said company, shall revert to the commonwealth.

Reservation.

SECTION 18. The legislature reserves the right to repeal or annul the privileges hereby granted, if at any time they shall prove injurious to the citizens of this commonwealth: *Provided however*, That no injustice be done to the corporators.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 325.

AN ACT

To incorporate the Trevorton, Maloney and Susquehanna railroad company.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Felix Lerch, William Deppen, Jacob Reaker, Daniel Montgomery Boyd, Alexander Jordan, Joseph W. Cake, Robert M. Ludlow, John P. Hobart, Henry Donnel, Bertram H. Howell, Charles W. Hegins,

Simon Cameron, William L. Helfenstein, Kimber Cleaver, and those persons who shall hereafter subscribe for the stock of the company hereby created, be and are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Trevorton, Mahanoy and Susquehanna railroad company," and by the said name shall have perpetual succession with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments; goods, chattels, and all real estate, personal or mixed, of what kind or quality soever; and the same from time to time to sell, exchange, mortgage, grant, alien, or otherwise dispose of, and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad, and the conveyance of passengers and the transportation of the mail and of coal, minerals, goods, merchandize and commodities thereon: *And provided further*, That the company hereby created shall not purchase or hold any real estate, except such as may be necessary for the making and construction of said railroad, and for depots, engine and water stations.

SECTION 2. That the said named persons, or a majority of them, shall, after having given at least twenty days' previous notice in one newspaper published in the county of Northumberland, of the time and place by them appointed, meet together with such persons as may subscribe to the stock of the said company in order to organize the same, and choose by a majority of the votes of the subscribers, by ballot, one president and four managers, who shall be residents of this commonwealth, a treasurer, secretary, and such other officers as shall be deemed necessary; and the president and managers so elected shall conduct the business of said company until the second Monday in January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as are not inconsistent with the laws of the United States or of this commonwealth, and that may be necessary for the well governing of the affairs of the said company: *Provided*, That no person but a stockholder holding at least ten shares in the stock of the said company, shall be eligible to the office of president or manager of the said company.

SECTION 3. That the stockholders shall meet on the second Monday of January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous, by the secretary in the newspaper before mentioned, and shall choose by a majority of the voters present, officers for the ensuing year, as mentioned in the second section of this act, who shall continue in office one year and until others are chosen; and the stockholders shall meet at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which an-

Style.

Privileges.

Provide.

Organization.

Annual meeting
of stockholders.

nual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of the votes in the manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and each stockholder shall be entitled to one vote for every share of stock he or she shall hold.

Manner of conducting election of officers.

SECTION 4. That the election of officers provided for in the third section of this act, shall be conducted in the following manner; that is to say, the managers for the time being shall appoint two of the stockholders not being managers, to be judges of the said election and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly and according to law, to conduct such election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of voters, and when the election is closed shall count the votes and declare who has been elected; and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officers shall not be made, the corporation shall not for that cause be dissolved, but it shall be lawful to hold and make such election of president, managers, secretary, treasurer or other officers, on any day thereafter, by giving at least ten days' notice, signed by the president or secretary in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, secretary and other officers of the preceding year, shall in that case continue to act and be invested with all the powers belonging to their respective stations, until an election shall take place; in the case of death or resignation of the president, managers, treasurer or secretary, his place may be filled by the board of managers until the next annual meeting.

Meeting of president and managers.

SECTION 5. That the said president and managers shall meet at such times and places as shall be found most convenient for the transaction of their business, and when met three shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being formed they shall be empowered and have authority to appoint all such surveyors, engineers, superintendents and other artists, officers and workmen as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, draw orders on the treasurer for money, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are hereby authorized to do.

Capital stock.

SECTION 6. That the capital stock of the said company shall consist of forty thousand shares, of twenty dollars each; and the said president and managers first chosen shall procure certificates, or evidences of stock, for all the shares of the said company, and shall deliver one or more certificates, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person according to the number of shares by him or her subscribed or held, which certificates or evidences of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, one of whom shall keep a book for that purpose; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock and of all the estates and

emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof.

SECTION 7. That the president and managers of the said company Officers to give shall demand and require of and from the treasurer, and may demand bond. and require of and from all and every other of the officers and other persons by them employed, a bond with such security as the said company shall, by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them respectively committed.

SECTION 8. That dividends of so much of the profits of the com- Dividends. pany as shall appear advisable to the managers, shall be declared at least twice in every year, and paid to the stockholders on demand at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if the said managers shall make any dividend which shall impair the capital stock of said company, the managers consenting thereto shall be liable, in their individual capacities, to the said company for the amount of the stock so divided, recoverable by action of debt as in other cases; and each manager present, when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest upon the minutes of the board, and give public notice to the stockholders of the declaring of such dividend: *Provided*, When such dividend shall exceed fifteen per centum per annum, the excess shall be paid into the state treasury for the use of the commonwealth.

SECTION 9. That the president and managers of the said company Survey and fix shall have power to survey, lay down, ascertain, mark and fix such route. route as they shall deem expedient for a railroad, with as many tracks as they may deem necessary, beginning at or near the mouth of Zerbe's run, in Coal township, Northumberland county, to the river Susquehanna, at or near the mouth of Mahonoy creek: *Provided*, That the said railroad shall not, except in deep cuts and fillings, or at points selected for depots or engine and water stations, exceed four rods in width; and that it shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner thereof.

SECTION 10. That the said president and managers shall have full Enter upon and power and authority by themselves or their superintendents, engineers, occupy lands, artists and workmen, to enter in and upon, and occupy all land on which &c. the said railroad or its depots and warehouses may be located, or which may be necessary for the erection of its engine and water stations, weigh-scales, or any other purposes necessary or useful in the construction and repairs of the said railroad, and therein to dig and embank, make and construct the same: *Provided*, The said company shall first make com- Damages, how pensation to the owner or owners of the ground, and materials and pro- adjusted. perty so taken and occupied as aforesaid, or give adequate security therefor; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint five suitable, judicious and disinterested persons of the county of Northumberland, who shall be under oath or affirmation, and who shall reside within the county of Northumberland; and if they cannot agree upon such persons, then either of the parties, after giving twenty days' notice to the other, may apply to the court of common pleas of the county in which the land may lie, and the court shall award a venire, directed to the sheriff, to summon a jury of seven judicious and disinterested persons from the said county, in order to ascertain

and report to the said court what damages, if any, have been sustained by the owner or owners of the said ground, by reason of the construction of the said railroad through the same; which said jury or valuers being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said railroad, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations, and a just regard to the advantages which may seem likely to result to the owner or owners of said land, from the opening of the said railroad through the same, to make their assessment and report to the court, which report being confirmed by the said court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sum awarded, and the expenses incurred by the appraisers or jury, shall be defrayed by the said company: *Provided*, That either party may appeal to the said court within thirty days after such report may have been filed in the prothonotary's office, in the same manner as appeals are allowed in other cases; and if the party appealing shall not obtain a verdict and judgment more favorable than the assessment by the appraisers or jury as aforesaid, he, she or they shall pay all costs and expenses which may accrue in consequence of said appeal: *And provided further*, That the said company may offer and tender such sum as they may deem a just and reasonable compensation to the owner or owners of the ground, materials and property taken and occupied as aforesaid, or give adequate security for the said sum; and in case the said owner or owners shall refuse to accept the same, and resort to the proceedings hereinbefore prescribed to obtain such compensation, and shall fail to obtain an assessment of the appraisers, or a verdict and judgment for a greater sum than the sum so as aforesaid offered or secured by the said company, he, she or they shall pay all the costs and expenses of the said proceedings: *And provided also*, That if any person or persons owning land, or any other property which shall be affected by this act, be feme coverts, under age, non compos mentis, or out of the state, then and in either of the cases the president and managers of the company, and at the cost and charges of the said corporation, shall, within one year after the construction of the railroad through the said land, represent the same to the court of common pleas of the county where the lands lie, as the case may be, who shall proceed thereon in the same manner and to the same effect as directed by this act in other cases.

Further powers. SECTION 11. That the president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of draught and burden, may enter upon the lands contiguous and near the said railroad, first giving notice to the owners or occupiers thereof, and from thence to take and carry away timber, stone or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damage that may be done thereon, the amount whereof, if the parties do not agree, shall be assessed as hereinbefore mentioned in this act.

Lateral railroads. SECTION 12. That the said company shall not prevent any person or persons being the owner or owners of land bordering on the said railroad or in the vicinity thereof, or adjacent thereto, from making such lateral railroads, and to connect them with the said railroad from their said lands, as the said person or persons may wish, for the purpose of transporting their coal or produce on said railroad: *Provided*, That all such connections of lateral roads are to be made at the expense of the person

so wishing to connect, and according to the direction and approval of the engineer or managers of said company, so as not to obstruct or endanger the free travel on the main road: *And provided also*, That any person or persons owning such coal or produce shall have the privilege of transporting the same on said railroad in their own cars, subject to the rules and regulations of said company.

SECTION 13. That the said railroad shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads which may cross or enter the same; in all cases where the said railway may cross or in any manner interfere with any existing public road, canal or slackwater navigation, the said company shall make or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways to enable all persons passing or traveling such public road, canal or slackwater navigation to cross or pass over or under said railroad; and if the said company shall neglect or refuse to keep such way or caseways in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors of the township with costs, for the use of the township, as debts of like amount are by law recoverable; and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.

Public roads not to be impeded by said railroad.

SECTION 14. That for the accommodation of all persons owning or possessing land through which the said railroad may pass, it shall be the duty of the said company to make or cause to be made a good and sufficient causeway or causeways wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same with wagons, carts and implements of husbandry, as occasion may require; and the said causeway or causeways when made, shall be maintained and kept in good repair by said company; and if the said company shall neglect or refuse, on request, to make such causeway or causeways, and when made, to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof: *Provided*, That the said company shall in no case be required to make or cause to be made more than one causeway through each plantation or lot of land for the accommodation of any one person owning or possessing land through which the said railroad may pass; and where any public road shall cross said railroad, the person owning or possessing land through which such public road shall pass, shall not be entitled to require the said company to erect or keep in repair any causeway or bridge for the accommodation of the occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road laid out subsequent to the passage of this act, then and in such case, the said company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair.

Causeways.

SECTION 15. That no suit or action shall be prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed or the cause of action accrued; and the defendants in any such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act; and in all suits or actions brought against the said company, the service of process on the president, secretary,

Limitation of suits.

treasurer, engineer, agent or any manager of the said company, shall be as good and available in law as if made on the president thereof.

SECTION 16. That if any person or persons shall wilfully or knowingly break, injure or destroy the railroad hereby authorized, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered with full costs, before any tribunal having cognizance thereof, by action in the name and for the use of the said company.

SECTION 17. That if any person or persons shall wilfully or maliciously remove or destroy any of the said company's constructions, or place designedly and with evil intent any obstruction on the line of the railroad, so as to jeopard the safety and endanger the lives of persons traveling the same, such person or persons so offending shall be deemed guilty of misdemeanor, and shall be adjudged on conviction, to be imprisoned in the Eastern penitentiary of Pennsylvania for a term not more than two years: *Provided*, That nothing herein contained shall prevent the said company from pursuing any other appropriate remedy at law in such cases.

SECTION 18. That it shall and may be lawful for the president and managers from time to time, to ordain and establish rules and regulations for the due ordering of all traveling and transportation on the said road, and for its preservation, with power to alter, repeal, enlarge or amend the said rules and regulations as they may deem expedient; and that they shall have full power and authority to prescribe the kinds and descriptions of cars, carriages or wagons to be used on the said road, for the conveyance of passengers and the transportation of the mails, or of goods, wares, merchandize and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof as they may deem expedient; and the said company are hereby authorized and empowered as soon as any portion of the said railroad is perfected, to place thereon cars, carriages or wagons constructed as they may deem best adapted for the transportation of mails, passengers and commodities to the advantage of the public, and shall permit individuals to place such cars, carriages or wagons thereon of such constructions, and under such limitations and restrictions as they may deem proper; and the said company is hereby authorized to charge and take toll for freight and transportation of passengers, goods, wares, merchandize and minerals at rates as follows, to wit: on coal and other minerals any sum not exceeding fifteen mills per ton per mile for toll, and fifteen mills per ton per mile for transportation on goods, wares, merchandize and other property, any sum not exceeding two cents per ton per mile for toll, and two cents per ton per mile for transportation, and for the transportation of passengers any sum not exceeding three cents per mile for each passenger; and the said company are hereby authorized to charge at the rate of three cents per ton for weighing all coal, minerals, wares, goods, merchandize and other property transported on said railroad.

SECTION 19. That at each annual meeting of the stockholders, the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the said company for such year; and that special meetings of the stockholders may be called by order of the president and managers, or by the president at the request of the stockholders holding one-fourth of the amount of the capital stock, after giving such notice as hereinafter required for annual meetings, specifying moreover the object of the meeting; but no busi-

Penalty for injuries.

Further provisions for injuries.

Rules and regulations.

Annual statement.

ness shall be transacted at such meetings, except that for which it shall have been called, nor unless a majority in value of the stockholders shall attend in person or by proxy.

SECTION 20. That if the president and managers and company shall not proceed to carry on the said work within three years from the passage of this act, and shall not complete the same within seven years as aforesaid, according to the true intent and meaning of this act, or if after the completion of the said road the said company shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages. Commencement and completion of road.

SECTION 21. That at the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the said company, showing the debts of the company, the amount received for toll and transportation and weighing, and the rates charged and the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company. Accounts to be furnished the legislature.

SECTION 22. That if the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges granted to the said company by this act. Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 326.

AN ACT

To amend an act to authorize the erection of free bridges over the river Schuylkill, at or near Philadelphia, passed the sixteenth day of March, one thousand eight hundred and thirty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That within ninety days from the passage of this act, the commissioners of the district of Spring Garden shall make a conveyance of all their right, title and interest in the bridge over the river Schuylkill, near Callowhill street, with the contiguous land now held by them, to the commissioners of the county of Philadelphia in fee simple.*

SECTION 2. That immediately after the making of said conveyance, the commissioners of the county of Philadelphia shall take charge of said bridge and its appurtenances, and shall pay out of the county funds all the expenses of lighting, watching, repairing, superintending, and from time to time remodelling and renewing said bridge when necessary: *Provided*, That before said conveyance is made, the commissioners of the district of Spring Garden shall put said bridge in good and complete repair.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 327.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the New Castle and New Wilmington plank road company, in Mercer county," approved the eleventh day of April, Anno Domini, eighteen hundred and forty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following words in the ninth section of the act to which this is a supplement, viz: "By the vicinity of the Union church in Neshannock township, in said county," be and the same is hereby repealed.

Repeal of certain words in a certain act.

SECTION 2. That section ten of said act shall read as follows, viz: "It shall and may be lawful for the president and managers, their superintendents, engineers, artists, contractors and workmen to cause a road to be laid out and opened not less than thirty nor more than fifty feet in width, and shall cause not less than fifteen feet thereof in breadth to be graded, and not less than eight feet thereof in breadth to be made an artificial road of wood, stone, gravel, slate or other hard, proper or convenient substance, such as the nature of the ground will require and afford, to be constructed in such manner as will afford *and* even surface, and so nearly level in its progress as not to rise or fall more than five degrees from a horizontal line; the plank upon that portion of said road which may be faced with plank shall not be less than two inches in thickness, laid upon wooden sills or timber; the said president and managers are hereby authorized and empowered to erect suitable bridges over all streams of water crossed by their road, whenever the said shall be found necessary.

Correction of section ten of said act.

SECTION 3. That section thirteen of the act to which this is a supplement shall read as follows, to wit: That when said road, or any

Correction of section thirteen of said act.

part thereof, is completed from time to time, and approved as aforesaid, it shall and may be lawful for the company to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop, or cause to be stopped, *and* person riding, leading or driving any horses, cattle, hogs, sheep or other animals, or any coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled, or other beast or carriage of burden or pleasure, from passing through said toll gate, or passing over said road, until they shall have respectively paid the same, that is to say : for every mile in length of said road, or fraction of a mile, completed and approved as aforesaid, the following sums of money, and so in proportion for any greater or lesser number of sheep, cattle, hogs, et cetera, to wit : for every score of hogs, one cent ; for every score of sheep, one cent ; for every score of cattle, two cents ; for every horse and rider, or led horse, one cent ; for every horse or mule attached to or hauling a pleasure vehicle, whether sulkey, chaise, buggy, phaeton, sleigh, sled or other vehicle, of either business or pleasure, under whatever name it may go, one and a half cents ; for every loaded or partly loaded wagon, cart, sled or other vehicle of burden, the wheels or soles of which are not more than four inches in width, and drawn by not more than three horses, one cent for each horse attached thereto ; and for such vehicle when empty, one-half cent for each horse ; for every wagon, cart, sled, or other vehicle of burden, whether loaded or partly loaded, whose wheels or soles are not four inches wide, and drawn by four or more horses, one and a half cents for each horse attached thereto ; and for the same when empty, three-fourths of one cent for each horse ; for every loaded or partly loaded wagon, cart, sled or other vehicle of burden whose wheels or soles are four or more inches wide, and drawn by not more than six horses, one cent for every horse attached thereto ; and for each such horse drawing the same when empty, one-half cent ; for every loaded or partly loaded wagon or cart, sled or other vehicle of burden, whose wheels or soles are four or more inches in width, and drawn by more than six horses, one and a half cents for each horse drawing the same ; and for the same when empty, one cent for each horse ; for every horse attached to or drawing any pedler, show or circus wagon, when the number of horses does not exceed six, two cents for each horse drawing or attached to the same ; when the number exceeds six, three cents for every such horse attached to or drawing the same ; for every horse attached to or hauling any coach, sleigh, sled or other vehicle used or employed to convey or transport passengers, the sum of two cents for each horse attached to or drawing the same ; and in cases of vehicles drawn wholly or in part by oxen, mules or other animals, (except horses,) every such animal shall be estimated equal to one horse ; every elephant, camel or dromedary shall be rated as equal to three horses ; and no vehicle shall be deemed or held to be a vehicle of burden, unless the same, at the time of passing over said road, shall be used or occupied exclusively with freight or burden ; and for all fractional parts of tolls not equal in value to any denomination of coin in circulation, the said company may take and receive the next highest circulating denomination : *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the rates above specified, and raise them again to the amount prescribed by this act, at such times and seasons as the company may think proper : *Provided also*, That any individual or incorporated company shall be entitled to a drawback of fifteen per cent. as specified in the act to which this is a supplement.

Repeal.

SECTION 4. That so much of the act to which this is a supplement as is hereby altered or supplied, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 328.

AN ACT

To unite and consolidate Marshall college, now at Mercersburg, with Franklin college, now at Lancaster, under the name of "Franklin and Marshall college," as a corporation, to be located in the city of Lancaster, or its immediate vicinity.

Preamble.

WHEREAS, The trustees of Franklin college and the trustees of Marshall college are desirous of uniting their institutions, under the name of "Franklin and Marshall college," to be located in the city of Lancaster, or its immediate vicinity, and have agreed upon terms of union as hereinafter expressed, by which it is believed that a more extensive benefit will be conferred upon the citizens of this state, in the promotion of liberal and scientific learning:

And whereas, The legislature of the state, in pursuance of the constitutional injunction, "that the arts and sciences shall be promoted in one or more seminaries of learning," is willing to co-operate with these corporations in the proposed effort to enlarge their sphere of usefulness, by joining their means and labors under one organization at a place so central, healthy, moral and enlightened, so easy of access from most quarters, so able to assist in advancing the great objects in view, and so liberal in offers of substantial aid; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Franklin college, which was chartered by the representatives of the freemen of the said commonwealth, sitting at Philadelphia the tenth of March, one thousand seven hundred and eighty-seven, and Marshall college, at Mercersburg, chartered by act of assembly the thirty-first of March, one thousand eight hundred and thirty-six, be and are hereby united and consolidated into one institution of learning, under the corporate name, style and title of "Franklin and Marshall college;" and thus created, the same be located in the city of Lancaster, or in its immediate vicinity.

Consolidation of
Franklin and
Marshall col-
leges.

Location.

Trustees.

SECTION 2. The said Franklin and Marshall college so united, consolidated and located, shall be under the direction, management and gov-

ernment of not less than forty-five nor more than sixty trustees, of whom the governor of this state shall, ex-officio, be one, and two-thirds of which number of trustees, at least, shall be members of the German Reformed church; and a quorum of whom, competent to transact any business, shall consist of fifteen members, at least two-thirds of which quorum shall be members of the German Reformed church; and to that end and purpose, William Heyser, John Smith, Barnard Wolff, George Besore, John Caspar Bucher and John W. Nevin, of Franklin county; John Conrad Bucher, George Z. Kunkel, Daniel W. Gross, Rudolph F. Kelker, John F. Mesick and Luther Reiley, of Dauphin county; David Middlekauff, of Adams county; William A. Good and Samuel Wagner, of York county; David Krause, William Schall and John R. Kookan, of Montgomery county; Julius W. Mann, William Mayberry, Charles Bibighaus and John Alberger, of Philadelphia; John W. Gloninger, John W. Killinger and John Krause, of Lebanon county; James Buchanan, John L. Atlee, Samuel Bowman, James L. Reynolds, John Reynolds, Emanuel C. Reigert, Henry G. Long, Samuel Humes, Benjamin Champneys, B. Keenan, Christopher Hager, Daniel Heitshue, David Longenecker, Christian Gast, John Bausman, William Hiester, Philip K. Brenneman, N. A. Keyes, Clement B. Grubb and Joseph Konigmacher, of Lancaster county; Thomas H. Leinbach, Philip Zieber and John P. Hiester, of Berks county; Isaac Meyers, of Schuylkill; J. H. A. Bomberger and J. P. Heetrich, of Northampton county; George C. Welker, of Northumberland county; and William Darlington, of Chester county, Pennsylvania; Jacob Myer, of Virginia, Elias Heiner, John Rodenmayer, Bernard O. Wolff, David Zellers and George Shaffer, of Maryland; and the governor of the commonwealth of Pennsylvania, ex-officio, shall be and hereby are created the first trustees.

SECTION 3. The trustees above named and created, and their successors to be elected as hereinafter provided, are hereby established and declared to be one body politic and corporate, with perpetual succession in deed and in law, under the said name, style and title of "Franklin and Marshall college;" by which name they and their successors shall be capable in law and equity to take for the use of Franklin and Marshall college any estate, in any messuages, lands, tenements and hereditaments, goods, chattles, moneys and other effects, by gift, grant, bargain and sale, conveyance, assurance, devise or bequest, as well of the said Franklin college and the said Marshall college, at Mercersburg, both being hereby authorized and empowered to alien, transfer and convey to said Franklin and Marshall college such property as of all other persons or corporate bodies, and the same to dispose of by sale or otherwise, or to farm, let and put out on interest for the use of said Franklin and Marshall college, in such manner as they or a quorum of their board of trustees shall judge most beneficial to said institution, and receive the proceeds and income thereof for its proper support; to execute all contracts for scholarships erected by Marshall college, unless the owner or holder of any scholarship residing in Mercersburg, on which a balance may remain unpaid, shall object to paying the same; and by the same name to sue and be sued, prosecute and defend, implead and be impleaded in any court of law or equity, and generally to transact all business concerning the premises, or incidentally necessary to ensure full success to said college, and hold, enjoy and exercise all such powers, authorities and jurisdictions as are customary in other like institutions in this state.

SECTION 4. The said trustees shall cause a common seal to be made for the use of the said corporation and college, with such devices and in-

scriptions thereon as are suitable for the same in their judgment, by which all deeds and other instruments of writing, diplomas, certificates and other acts of said corporation and college shall pass and be authenticated; and said seal to break, alter and replace at their pleasure.

Annual meeting of trustees.

Powers.

SECTION 5. The first meeting of said trustees shall be convened in the city of Lancaster on the requisition of any seven of their members and notice of ten days to each; and thereafter their meeting shall be annual at each college commencement, on similar notice to be given by the president or secretary, to transact the business of said corporation and college; to enact by-laws not repugnant to the constitution and laws of the United States or of this state; to appoint the principal and professors of said college, and determine their number, duties and compensation; to remove said functionaries for incompetency, misconduct or other sufficient cause; to provide, in conference with its faculty, proper rewards for merits, and punishments for violations of its rules, regulations and by-laws on the part of students and subordinate officers; to elect their president, secretary and treasurer, and such other officers and agents as are usual in other colleges; to appoint committees for carrying into execution their resolutions, and generally to do all other matters and things which, though not here enumerated, may be necessary to secure the full success and well-being of said institution.

Further powers.

SECTION 6. The trustees may adjourn their meetings, and also may hold special meetings whenever the president and secretary, and on their disagreement or neglect, a majority of the faculty shall require it, for the transaction of any distinct business or ordering of any distinct matter concerning said college either at Lancaster or other convenient place; but in such case, notice of the business or matter to be done, as well as the time and place of meeting, shall be given ten days beforehand to each member of the board.

Vacancies, how supplied.

SECTION 7. In the room and instead of trustees who shall die, resign, or otherwise create vacancies, the remaining trustees shall elect others at the next annual meeting, or at a special meeting to be called for that purpose in manner aforesaid, and thus perpetual succession in the board of trustees and the corporation shall be kept up and preserved, with the powers, rights, immunities and duties provided for in this charter; and if any member of the board of trustees shall fail to attend three successive annual meetings thereof, his seat may be vacated by said board if by them deemed expedient.

Faculty.

Powers.

SECTION 8. The principal of said college and its professors, who may from time to time be multiplied to any number, for the purposes of giving instruction in any of the liberal arts and sciences and other useful learning, or a majority of them for the time being, shall constitute the faculty of the same, and shall as such have power to enforce the rules and regulations adopted by the trustees for its government, and that of its students and subordinate officers, and to grant by order and consent of the board of trustees, or a quorum thereof, such degrees in the said arts and sciences or other useful learning to students of said college and others, who by their proficiency in learning or other distinction shall be adjudged entitled to them, as have been usually granted in other colleges or universities in America or Europe, and to grant to said students entitled thereto, diplomas or certificates to perpetuate the memory of their graduation or other distinction, in all which cases the same shall be authenticated by the common seal of said corporation.

German professor

SECTION 9. There shall be in said college one or more German professorships.

Gifts, grants, &c.

SECTION 10. That whenever the intent in any gift, grant, devise or bequest to or from said corporation to make the same, shall sufficiently

appear, no misnomer shall defeat such intent, nor shall any omission or neglect of the trustees to meet at the time and place appointed for business, affect this charter or work its forfeiture, but in such case another meeting may be called by any member of the board giving ten days notice for that purpose.

SECTION 11. The charters of the Franklin college and of Marshall college aforesaid, shall be and severally remain in full force and virtue until they shall severally have collected all obligations due them, and have severally conveyed their property real, personal and mixed, subject to the subsequent provisions of this act, as far as relates to the real estate of Marshall college, to Franklin and Marshall college aforesaid, for the use, benefit and behoof of the said Franklin and Marshall college; and thenceforth the said charters of Franklin college and Marshall college shall be null and void.

When the charters of Franklin college and Marshall college to be null and void.

SECTION 12. That before the foregoing sections of this act, or any of them shall go into effect, the sum of twenty-five thousand dollars shall be paid in current funds by the citizens of Lancaster city and county to a joint committee, to be hereafter appointed by Marshall and Franklin colleges, to be expended under the direction of said committee in the purchase of grounds, and the erection of suitable buildings for the use and accommodation of the Franklin and Marshall college, and that three members of the board of Franklin college be appointed to value and appraise the real and personal estate of said Franklin college, one by the Lutheran, one by the German Reformed, and one by the remaining trustees of said college; and that one-third of the value of said funds and property so ascertained be retained by its board of trustees, until the German Reformed church pay an equal amount into its treasury, or give such legal obligations for its payment as may be deemed satisfactory; and so soon as said sum shall be so paid, it shall be paid over to the Lutheran members of said Franklin college board, who on the receipt thereof, or any portion of it, shall again pay the same to the board of trustees of Pennsylvania college, at Gettysburg, to be permanently invested by the board last mentioned for the support of a separate professorship in said institution, to be styled "The Franklin professorship," of which the first incumbent shall be professor of ancient languages, and be elected by the existing Lutheran members of the Franklin college board, and the right of nominating the subsequent incumbents shall be vested in the old Evangelical Lutheran synod of Pennsylvania, and the interest only of said fund to be used at any time for the support of the incumbent of the said professorship.

Citizens of Lancaster to furnish \$25,000.

One-third of the value of the property of Franklin college to be paid over to the Lutheran members of said college, &c.

Pennsylvania college.

Franklin professorship.

SECTION 13. That so soon as the twenty-five thousand dollars shall be paid as aforesaid, for the purchase of grounds and the erection of buildings for Franklin and Marshall college, and one-third the value of the funds and property of Franklin college shall be paid to the Lutheran members of its board, or otherwise satisfied, and satisfactory evidence thereof be exhibited to the governor of this commonwealth, then the said governor shall issue letters patent under the seal of the state, incorporating the said Franklin and Marshall college, which said letters patent shall contain the first eleven sections of this act, as the provisions of its charter of incorporation, and which thenceforth shall have full force and effect as such charter.

Letters patent.

WHEREAS, The Lutheran trustees of the board of Franklin college, of whom some are also trustees of Pennsylvania college, desire it; therefore,

Preamble.

SECTION 14. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Lutheran trustees of Franklin annexed to the trustees of Pennsylvania college.

Certain number of students to be taught gratis.

Conveyance of the estate of Marshall college.

the Lutheran trustees of Franklin college shall be added to the existing trustees of Pennsylvania college aforesaid, who shall together constitute the board of trustees of Pennsylvania college; and shall hereafter perpetuate their own number by a new election when any member vacates his seat by death, resignation or non-attendance for three successive years; and that so much of the charter of Pennsylvania college at Gettysburg, as is inconsistent with the twelfth and fifteenth sections this act, be and the same is hereby repealed.

SECTION 15. That the trustees of Franklin and Marshall college shall cause annually to be instructed gratis, in the full course of studies adopted by the said college, any number of students not exceeding sixteen, who shall be citizens or sons of citizens of this state, eight of whom shall be nominated by the directors of the common schools of the city Lancaster, and eight by the trustees aforesaid.

SECTION 16. Before any removal of Marshall college shall be made in pursuance of this act, it shall be the duty of the trustees of said college, and of the proper and competent authorities of the Diognothian and Goethean literary societies thereto attached, or their successors respectively, to convey unto William M'Kinstry, Thomas Creigh, William Metcalf, Adam Hoke, John H. Murphy, Robert Dick, Peter Cook, John Johnson, James O. Carson, David Zeller, Thomas Carson, Martin Newcomer and Thomas Grubb, clear of all incumbrances, all the real estate belonging to said Marshall college and to said societies respectively, situate, lying and being on the southern side of the village of Mercersburg, with all the buildings thereon erected, and all the appurtenances thereunto belonging, excepting the libraries, cabinets, philosophical apparatus and furniture of said college and societies, with full power to said William M'Kinstry and the other citizens before named, or a majority of them or their heirs, to convey the said premises or any part thereof in fee simple, to any person or persons, or to the trustees of any college or other literary institution that may be hereafter incorporated in said village of Mercersburg or its vicinity, at and for such price or prices as they or a majority of them may choose to accept, which conveyances so made and delivered, shall be a bar in all time to come; and the said William M'Kinstry, Thomas Creigh and the other citizens named in this section, shall indemnify and save harmless the trustees of Marshall college, and the synod of the German Reformed church of the United States of North America against any claim or claims that the citizens of Mercersburg and vicinity, or any of them, their heirs or legal representatives may have or may attempt to recover by reason of the removal of said college, or of any subscriptions made or moneys paid for the erection or location of the buildings or other property of said college, of said societies, or of the Theological seminary aforesaid: *Provided however.* That this section shall be obligatory upon Marshall college only, upon condition that the citizens of Mercersburg and vicinity shall pay or secure to be paid to the trustees of said college, the sum of eight thousand dollars, in the following manner, to wit: three thousand dollars at the date of the delivery of the possession of said property to the citizens aforesaid, three thousand dollars more in one year thereafter, and two thousand dollars more in two years after the date of such delivery of possession, without interest on either of said payments until the same becomes due.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 329.

AN ACT

To authorize the executors of the last will and testament of Joseph Mansfield, deceased, to sell and convey certain real estate in the county of Philadelphia; and to incorporate the Fairmount fire engine company of the district of Spring Garden, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Isaac Boileau and E. A. Rakstool, late E. A. Mansfield, of the county of Philadelphia, executors of the last will and testament of Joseph Mansfield, deceased, late of the Northern Liberties, be and they are hereby authorized and empowered to sell and convey, at public or private sale, all the right, title, claim and interest, in law or equity, which the said Joseph Mansfield may have had in and to a certain lot or piece of ground, with the appurtenances thereunto belonging, situate in Callowhill street, below Water street, in the district of the Northern Liberties, and county of Philadelphia, containing in front or breadth on said Callowhill street, sixteen feet, and in length or depth, forty-six feet, more or less, and to make good and sufficient deed or deeds or assurances therefor, as fully and effectually as he, the said Joseph Mansfield, could have done in his lifetime: *Provided however,* That the orphans' court for the city and county of Philadelphia first approve said sale, and that the said executors give such security as the said court may require, for the faithful appropriations of the proceeds arising therefrom.

Executors of Joseph Mansfield authorized to sell certain real estate.

Proviso.

SECTION 2. That all persons who are now members of the association called the Fairmount fire engine company, of the district of Spring Garden, in the county of Philadelphia, or shall be hereafter admitted members of the same, shall be and they are hereby erected and declared to be one body politic and corporate, by the name, style and title of Fairmount fire engine company. "The Fairmount fire engine company of the district of Spring Garden, in the county of Philadelphia;" and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or otherwise; and to purchase, receive, have, hold and enjoy, to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided,* That the clear yearly value or income of the said corporation shall not exceed the sum of three thousand dollars; and also to make and have a common seal, and the same to break, alter or renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due ordering and management of the affairs thereof. Privileges.

This act not to affect the rights in a certain association.

SECTION 3. That nothing contained in this act shall in anywise affect, alter or diminish the rights and interests of the said Fairmount fire engine company in the fire association of Philadelphia; but that the said Fairmount fire engine company shall have, hold, possess and enjoy the same, under the name of the Fairmount fire engine company of the district of Spring Garden, in the county of Philadelphia.

Banking privileges prohibited, &c.

SECTION 4. Nothing in this act contained shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial or manufacturing concern; but the object of the said corporation shall be the promotion of the public good, by the extinguishment of fires.

Reservation.

SECTION 5. The legislature reserves the right to alter, revoke or annul the privileges and charter hereby granted, whenever, in their opinion, the same be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporations.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 330.

AN ACT

Authorizing the governor to incorporate the Darby turnpike or plank road company, and relative to turnpike roads in the county of Philadelphia.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Eli K. Price, Christopher Fallon, William Worrall, Albert Worrall, Benjamin Bullock, Henry Sloan, Daniel Beidleman, Henry Leech, Joseph S. Keen, Aubrey H. Smith, Hugh M'Ilvaine, Thomas Allibone, John R. Hoopes, George G. Thomas, Isaac Leech, junior, Justus Cox, Charles Lloyd, junior, Paschall Lloyd, John Gibson, J. S. Serrill, Henry C. Townsend, John Jackson, Abraham G. Hunt, George Serrill, John H. Andrews, Thomas Garrigues, John H. Bunting, Joseph M. Thomas, William M. Evans, J. L. Gossler, James Leslie and William H. Moore, be and they, or a majority of them, are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Darby turnpike or plank road company," with power to construct a turnpike road upon and along the Great Southern post road, leading from

West Philadelphia to Darby, commencing at the juncture of the said post road with the Delaware County turnpike, and extending along the said post road as far as the bridge erected over Darby creek, at the village of Darby, in Delaware county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine: *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the rates specified in the said act, and raise them again to the amount permitted by the said act; but in no case to exceed them during such times and seasons, and with such discriminations as they may think proper and right.

Location.

Subject to provisions of certain act.

SECTION 2. That the grading of the said road along the eastern end thereof, as far as Mill creek, at Maylandville, shall conform to the plan as to elevations and depressions adopted by the borough of West Philadelphia.

Grading.

SECTION 3. The capital stock of the said company shall consist of one thousand shares, at twenty-five dollars each.

Capital stock.

SECTION 4. That if the said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years, this act shall be null and void, except so far as is necessary to settle the affairs of the company.

Commencement and completion of road.

SECTION 5. That if any person shall pass through any toll gate with any animal or animals, vehicle or vehicles, for which toll is demandable, without paying such toll, it shall and may be lawful for the turnpike, road or bridge company entitled to demand the said toll, notwithstanding that such toll gate may not have been closed when such person or persons passed by and through the same, to sue for and recover the same before any alderman or justice of the peace of this commonwealth, with cost of suit; and in every such suit, the collector of tolls shall be a competent witness for the plaintiff: *Provided*, That such suit shall be brought within thirty days from the time such person shall have so passed through said gate without paying the toll aforesaid.

Penalty for passing through toll gates without paying toll.

SECTION 6. That from and after the passage of this act, it shall not be lawful for any incorporated turnpike road company, whose privileges extend through the incorporated districts of the county of Philadelphia, to erect, build or put up any toll house on the artificial parts of their respective roads; and that all toll houses which now occupy the paved or artificial part of any turnpike road within the county of Philadelphia, shall be declared an obstruction of the public highway, and shall be removed on or before the first day of November next ensuing the passage of this act, under a penalty of forty dollars for every day that said obstruction shall remain thereon thereafter, to be recovered on conviction thereof before any alderman or justice of the peace of the said county, as debts of like amount are by law recoverable, with costs of suit, the one-half to the use of the county aforesaid, and the other half to and for the use of the prosecutor.

Toll houses on artificial parts of roads in the county of Philadelphia, prohibited.

SECTION 7. That the act, entitled "A supplement to an act for the determination and settlement of claims for damages done by the construction of the Conneaut line, Erie extension of the Pennsylvania canal," approved the tenth day of March, one thousand eight hundred and forty-eight, be and the same is hereby revived and continued in force for one year from the passage of this act; and said act is hereby declared to apply only to the Shenango line of the Erie extension, from New Castle northward to the Conneaut lake, and shall include the land of Edward Herington on the French Creek feeder: *Provided*, That the

Damages on the Conneaut line, Erie extension of the Pennsylvania canal, act concerning, revived.

canal commissioners shall not in any case re-examine a claim to which an award has heretofore been made and paid.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 331.

AN ACT

To refund to the children of Walter Thompson, deceased, a sum of money paid for a tract of land sold as the estate of John Nicholson, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the state treasurer be and he hereby is authorized to pay to the reverend William R. DeWitt, of Harrisburg, in trust for Louisa Thompson and William Thompson, minor children of Walter Thompson, deceased, the sum of forty dollars and seventy-five cents, the amount paid by the said Walter Thompson, as the consideration money of a tract of land situate in Pike (now Monroe) county, warranted in the name of Richard Hertz, and containing four hundred and seven acres and thirty-five perches, and sold and conveyed to the said Walter Thompson, as late the estate of John Nicholson: *Provided*, That before the said money shall be so paid by the said state treasurer, the said William R. DeWitt for and on behalf of the said minor children, (which he is hereby authorized to do) shall re-convey to the commonwealth the said tract of land, and deliver up the deed made to said Walter Thompson for the same, by the secretary of the commonwealth.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 332.

A N A C T

To authorize the governor to incorporate the Berrysburg water company, in Dauphin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Peter Bordner, Henry C. Beshler, Jeremiah Harmer, David F. Hoffman, A. B. Sprout and John Miller, or any four of them, are hereby appointed commissioners to do and perform the several matters and things hereinafter mentioned; that is to say, they shall on or before the first day of June next, procure a book and enter therein as follows: We, the subscribers, promise to pay to the president and managers of the Berrysburg water company, the sum of ten dollars for every share set opposite to our respective names, in such manner and proportion and at such times as shall be determined by the said company, in pursuance of an act of the general assembly, entitled "An Act authorizing the governor to incorporate the Berrysburg water company." Witness our hands the day of in the year of our Lord, one thousand eight hundred and fifty; and shall thereupon give public notice in handbills or otherwise, within the said town and township of Mifflin, for the space of two weeks or more, when and where within the said town the said book will be opened to receive subscriptions of stock; at which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age either in their own names, or in the names of others, when they shall appear to be duly authorized, to subscribe for any number of shares in the said book, not exceeding five on the first day, and the said book shall be kept open for three successive days, unless one hundred shares shall be sooner subscribed; and if within the said three days the said one hundred shares shall not be subscribed, then the said commissioners, or the officers of the company, after the same shall have been organized, may at any time afterwards open the book for the subscription of shares, until the whole number aforesaid shall be subscribed: *Provided, That* every person offering to subscribe in the said book in his own name, or the name of any other person, shall previously pay to the attending commissioner or officers, one dollar for every share to be subscribed, out of which shall be defrayed the expense attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of said corporation as soon as the same shall be organized, and the officers chosen as is hereinafter mentioned.

Commissioners.

Form of subscription.

SECTION 2. That when twenty or more persons shall have subscribed fifty or more shares of the said stock, the commissioners shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each to the governor of this commonwealth; and thereupon it shall be lawful for the governor under his hand and the seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe and their assigns, into one body politic and corporate in deed and in law, by the name, style and title of "The Berrysburg water company," by which name the said

Letters patent.

Style.

Privileges.

subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same by new subscription, if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them their and assigns, and of selling and transferring in fee simple, or for any less estate, such lands, tenements, hereditaments and estate, real or personal, as shall be necessary in the prosecution of their works, and of suing and being sued, and of doing every matter and thing which a corporation or body politic may lawfully do.

Organization.**Election of officers.**

SECTION 3. That any three or more of the said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least ten days' notice, by handbills or otherwise put up in the town of Berksburg, of the time and place for the subscribers to meet and hold an election for officers of the company, who shall choose by ballot, from among the stockholders resident in the said town, seven managers to conduct the affairs of said company until the second Monday of July then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him; and the said managers shall appoint one of their number president of their board, who shall sign all contracts and certificates of stock; and the said president and managers shall appoint one of the stockholders residing in the said town, and not being a member of the board, treasurer of the company, and shall also have power to appoint such other officers and agents as may be necessary; and the elections for officers thereafter shall be held annually, on the second Monday of September, at such place within the said town as may be appointed by the managers, of which at least ten days' notice shall be given by handbills or otherwise; and when vacancies happen, the managers shall supply them from among the stockholders until the next annual election: *Provided*, That no misnomer or failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation; but the managers and officers shall continue in office until a new election, which shall be made at such time and place within the said town, and after such notice, as the board of managers may prescribe.

Misnomer.**Seal.****Certificates of stock transferable.**

SECTION 4. That the president and managers shall procure a common seal, and the certificates of stock and other official acts shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by president, countersigned by the treasurer, and sealed as aforesaid, unto each person for every share held by him or her as soon as five dollars shall be paid on such share; and every such certificate shall be transferable in person or by attorney duly authorized, in the presence of two credible witnesses, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

By-laws.

SECTION 5. That the president and managers, or any five of them, shall have power to adopt such by-laws and regulations as do not contravene the constitution and laws of the United States or of this commonwealth, and may be necessary or expedient for the well governing the affairs of the company; and they shall also have power to call special meetings of the company whenever any circumstances occur which may render it necessary to consult them.

SECTION 6. That the president and managers shall meet at such times and places as shall be directed by the by-laws, and when met, five members shall be a quorum; and in the absence of the president a chairman may be chosen of the number met; and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered in a book or books to be kept for such purpose; and a quorum being formed, they shall have full power to employ and contract with the engineers, artists and such workmen as they may deem necessary to carry on and complete their intended works, as well as to uphold, alter and repair the same; and also to fix the times and manner, and in what proportion, the stockholders shall pay the moneys due on their respective shares; and to draw on the treasurer for all moneys that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations; and generally to do all such other matters and things as by this act, or their by-laws, rules and regulations, they shall be authorized to do.

SECTION 7. That it shall be the duty of the president and managers as soon as may be after the company shall be organized, to proceed to bring and convey into the town of Berryburg, by means of pipes, trunks, aqueduct, forcing pumps, or other machinery, some spring or stream of water from the neighborhood of said town, the right to which shall have previously been vested in the said company; and also, to provide proper cisterns or reservoirs for the reception thereof: and for that purpose they may enter into such lands and enclosures as may be necessary, and to dig ditches and to lay pipes or trunks through the same, doing as little damage as possible to private property, and paying for whatever injury shall be done to them, when the parties cannot agree, according to an assessment made under oath of affirmation by three disinterested persons to be appointed on application, by the court of common pleas in and for the county of Dauphin; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair the said pipes or trunks wherever laid, and shall, also, have liberty at all times to dig and lay pipes or trunks along roads and highways, and along streets and alleys of the said town, and to renew and repair the same, shutting up and amending any breaches which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns or reservoirs in the streets or public grounds of said town, where the same may be deemed necessary.

President and managers, duties and powers of.

Enter upon lands.

Damages, how adjusted.

SECTION 8. That the said president and managers shall, in such streets or parts of said town where pipes shall have been laid, erect hydrants to be used solely for extinguishing fires; and they shall suffer individuals at all times to be supplied with water from the said pipes for domestic or manufacturing, for such reasonable compensation as shall from time to time be agreed upon by the said president and managers and such individuals, according to certain uniform rates which the said president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume, and to their distance from the place where the water is to be drawn; and any person within the said town who shall take any of the said water for domestic or manufacturing use, without having previously contracted for the same with said president and managers, shall forfeit and pay for every such offence the sum of one dollar, to the said president and managers, to be recovered before a justice of the peace, in the same manner as debts of equal amount are now recoverable: *Provided*, That nothing herein contained shall be construed to compel the inhabitants of the said town to use the water so introduced by the said company, or to prevent them from using water obtained in any other way.

Erect hydrants for extinguishing fires, &c.

SECTION 9. That the president and managers shall call in the capital stock of the company by instalments, as the same may be required for the prosecution of the said work; and if any stockholder shall neglect to pay his instalments, after thirty days' public notice by hand-bills or otherwise, in the said town, then payment thereof may be enforced as in other cases; and whenever the debts of the said company shall have been paid, and the income shall exceed the expenses of the company, the president shall declare a dividend on the stock paid in half yearly on the first Monday of January and July in each year, and shall publish the said dividend and the place where the same will be paid, and shall cause the same to be paid accordingly.

Penalty for injury to works.

SECTION 10. That every person who shall wilfully destroy or injure in any manner, the pipes, aqueducts, cisterns or reservoirs, hydrants, buildings or machinery, or any of them, or any of the works of said company erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome the spring or stream of water which shall be conveyed and brought in the town of Berrysburg by the said company, shall, on being thereof convicted before any justice of the peace in and for the county of Dauphin, by the oath or affirmation of one or more credible witnesses, pay a fine not less than five nor more than twenty dollars, one-half to the use of the poor of the town, and the other half to the informer.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 333.

AN ACT

To incorporate the Schuylkill Haven mutual life and health insurance company of Schuylkill Haven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Saylor, Daniel Lavenberg, Jacob Huntzinger, junior, Joseph W. Cake, Joseph Shomo, Charles Clemmens, Michael Fritz, Charles Huntzinger, John Rudy, John H. Adam, Charles W. Hegins, John G. Koehler and John W. Shoemaker, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of "The Schuylkill Haven mutual life and health insurance company

Corporators.

Style.

of the borough of Schuylkill Haven," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of whatsoever kind, and choses in action, and the same sell and dispose of from time to time; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to make, ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the corporation, and for the management of its property and the regulation of its affairs, not being contrary to this charter and the laws of this commonwealth, or of the United States; and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well being of said corporation: *Provided*, That the clear yearly value of the lands and tenements of said corporation, including those held for its own use and accommodation, shall not exceed two thousand dollars: *And provided*, That nothing in this act shall be construed to allow said corporation to exercise banking privileges.

Privileges.

Proviso.

SECTION 2. There shall be an original guaranty capital stock not to exceed one hundred, nor less than fifty thousand dollars, to be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the said guaranty capital, at the time of subscribing, an instalment of five dollars on each share of stock by him or them so subscribed, and the remaining sum due on each share shall be paid in such instalments and at such times as the financial condition of the company shall require, to enable it to liquidate all claims or demands upon the treasury for losses or expenses: such instalments to be equally assessed on all stock so subscribed for all instalments, to be paid within thirty days after notice of the same by the directors: the directors shall have power to require security on all stock subscribed for, if they deem it expedient, for the safety of the company; and generally to adopt that course they think best calculated to advance the interest of the institution.

Capital stock.

SECTION 3. The corporation hereby created shall have the power to insure the lives or health of the stockholders of said company, as well as all other persons who shall make application for that purpose, and to make all and every insurance appertaining to or connected with life or health risks of whatsoever kind or nature, and to receive and execute trusts, to make endowments, and to grant and purchase annuities; and it shall be lawful for any married woman by herself and in her name, or in the name of any third person with his assent as her trustee, to cause to be insured for her sole use the life or health of her husband for any definite period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable, shall be payable to her to and for her own use, free from the claims of the representatives of her husband, or any of his creditors; and in case of the death of the wife before the death of her husband, her amount of insurance may be made payable after her death to her children, for their use or to their guardian, if under age.

Insurances.

SECTION 4. All the corporate powers of said corporation shall be exercised by a board of directors, and such officers and agents as they may appoint; the board of directors shall consist of at least eight persons, to be elected from among the stockholders; they shall annually elect from among the members of the corporation, a president and a secretary, treasurer and actuary, who shall continue in office for one

Board of directors.

year, or until others are elected in their place; and the directors shall have power to declare, by by-laws, what number of directors less than the whole shall form a quorum for the transaction of business.

Persons insuring to become members.

SECTION 5. All persons who shall hereafter insure with said company, shall become members during the period they shall remain insured by said company, and no longer; and shall be entitled to one vote at all elections for officers of said corporation.

Rates of premium.

SECTION 6. Every person who shall become a member of this corporation, by effecting insurance therein, shall pay such rates of premiums as shall be fixed upon and determined by the directors, before he receives his policy; no member so insured shall be liable for any losses or expenses of said company, beyond the amount of his or her premiums so paid to said corporation.

Directors to determine rates of premium.

SECTION 7. The directors may determine the rates of premiums and terms of insurance, and the sum to be insured from time to time, as they may deem expedient.

May invest capital and premium in bonds, &c.

SECTION 8. It shall be lawful for said corporation to invest its capital, premiums or profits in bonds and mortgages, ground rents, stocks and loans of the United States and state of Pennsylvania, and to sell, transfer and change the same, and re-invest the funds of said corporation, when the directors shall deem it expedient.

Annual statement of affairs.

SECTION 9. The directors shall, on or before the first Monday in January of each year, cause a statement of the affairs of the company to be made, and a balance to be struck of the profit and loss account; and if there shall be any ascertained profits or surplus, after paying all losses and expenses of the company for the preceding year, and providing for outstanding risks, the directors shall first set apart said profits, and divide therefrom, among the subscribers to the guaranty capital, a sum not exceeding six per cent. per annum on the stock held by them: *Provided*, So much of said profits remain after paying said losses and expenses, and providing for said risks; and in case there is not sufficient remaining as aforesaid, to pay aforesaid dividends of six per cent. to the stockholders in any one year, the same may be made good and payable at a subsequent period, when the net resources of the company shall be sufficient for that purpose.

Dividends.

SECTION 10. After providing for all risks, losses, incidental expenses and dividends, as specified in the preceding sections, then a moiety or half part of the remaining profits and surplus, if any there be, shall be reserved by the directors, and applied by them towards paying off the capital stock which shall have been subscribed before striking off the balance of the affairs of the corporation as aforesaid, and the other moiety or half part of said remaining profits and surplus may be divided among the stockholders and the persons insured, according to their respective interests, one-half among the stockholders, and the other among the insured; but no dividend whatever shall be made, whereby the capital stock of said corporation shall be reduced or impaired, only as provided for above.

In case of death, amount standing to his or her credit to be paid to the legal representatives.

SECTION 11. In case of the death of any stockholder or person insured, the amount standing to his or her credit, if any, shall be paid over to his or her legal representatives within sixty days after proof of the same; the profits and dividends of such stockholders and persons insured as have ceased to comply with the rules and regulations of the company by non-payment of premiums, or a renewal of the policy of insurance, shall be forfeited to the use of the company.

SECTION 12. Within thirty days after the first Monday in January, one thousand eight hundred and fifty-one, and annually thereafter, the directors of said company shall cause to be made a general balance

statement of the affairs of said company, which shall be entered in a book prepared for that purpose; such statement shall contain:

I. The amount of premiums received during the previous year, and the amount of interest received from investment and loans. General balance statement.

II. The amount of expenses for the same period.

III. The amounts of losses incurred within the same terms.

IV. The balance remaining with the said company.

V. The nature of the securities in which the said balance is invested, and the amount of cash on hand; also, a full account of existing policies; and the directors shall cause the said statement to be published at least in one newspaper published in Schuylkill county, for two weeks.

SECTION 13. The business of the said corporation shall be carried on at such place in the borough of Schuylkill Haven, as the directors shall direct, and at such agencies out of Schuylkill Haven as they may establish; and the first meeting of this corporation shall be held as soon as practicable after the passage of this act, at which time eight directors shall be elected by ballot, also a president and vice president to serve until the end of the financial year, or until others are elected in their place; the said directors shall pass all by-laws, rules and regulations necessary for the good government of the affairs of the company, they shall determine the rates of insurance and the amount of each risk, they shall have the power of calling meetings and fixing stated periods for the same; also to appoint such officers, agents and clerks, and fix the salaries of the same, as they shall deem necessary and expedient for the transaction of the business and the good of the corporation. Place of business.

SECTION 14. If any director, officer or other person connected with this institution shall fraudulently embezzle or appropriate to his own use, or to the use of any other person, any money or other property belonging to said institution, or left with it as a special deposit or otherwise, he or they upon conviction thereof in the court of quarter sessions, shall be fined in a sum not less than five hundred dollars, and be sentenced to and undergo an imprisonment in the penitentiary or county prison, for any term not exceeding two years, at the discretion of the court: *Provided*, That this conviction shall not prevent any person aggrieved from pursuing his or her civil remedy against such person or persons. Embezzlement, how punished.

SECTION 15. Every person who shall subscribe to the capital stock of this company, shall be liable for the amount of his or her, or their stock so subscribed, and the amount of premiums paid by them for insurance and no farther. Liabilities.

SECTION 16. The board of directors may fill vacancies in their body occasioned by death, resignation, removal or refusal to act, the said appointments to continue until the next annual election of directors; the election for directors shall be held on the first Monday of January in each year, at such place in the borough of Schuylkill Haven, and at such an hour in the day as the directors shall designate, of which time and place the secretary shall give notice at least two weeks previous, in one or more newspapers published in Schuylkill county, and the directors shall appoint three persons from among the stockholders to conduct said election, such election shall be by ballot, and a plurality of votes given shall elect; each share-holder shall be entitled to vote as follows: for one share one vote, for three shares two votes, for six shares three votes, for ten shares four votes, for sixteen shares five votes, for twenty-five shares six votes, for thirty-five shares seven votes, for fifty shares eight votes, for seventy-five shares nine votes, for one hundred shares and upwards ten votes; absent stockholders may be represented by proxy. Vacancies, how supplied.

Who are not eligible to office.

SECTION 17. No person shall be eligible to the office of director, secretary, treasurer or actuary, who does not hold at least five shares of the guaranty capital stock ; all officers, agents, clerks and physicians of the company must effect insurance on their life, or on the life of some other person in this company, for such amount and for such length of time as the by laws may require.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 334.

A FURTHER SUPPLEMENT

To an act to authorize the governor to incorporate a company to make a lock navigation on the Youghiogheny river; relative to real estate in the borough of Saltsburg ; and the extension of Pickering street, in the borough of Brookville.

Youghiogheny navigation company authorized to mortgage their property, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the president and managers of the Youghiogheny navigation company, whenever they may deem it expedient, in order to secure the early and effectual completion of their improvement, to execute a mortgage or mortgages of the same, with its appurtenances, and all the tolls, profits, receipts and revenues thereof, together with any other real or personal estate of which they may be seized or possessed, on such terms as they may deem proper, for the purpose of securing any existing debt of the said company, or any which may be hereafter contracted in the prosecution or completion of their works: *Provided however,* That no proceeding shall be had upon such mortgage for the sale of the property so mortgaged, until the expiration of eight years from the date of the execution thereof ; and that moreover the said company may continue in the possession and management of the said works, in trust for the uses and purposes of the said mortgage or mortgages, to the amount of said mortgage or mortgages, and for the benefit of the mortgage or mortgages therein, without prejudice to the security thereof: *And provided,* That the said mortgage or mortgages shall not be granted for a greater amount in the aggregate than twenty thousand dollars, and shall not be foreclosed until the work shall be completed for navigation to West Newton.

Proviso.

Proviso.

SECTION 2. That in case of a sale of the said improvement upon the said mortgage, in pursuance of legal process, the same shall not be held or construed to work any extinguishment or forfeiture of the corporate rights of the said company; but the same shall pass to the purchaser or purchasers of the said improvement, and shall be held, enjoyed and exercised by them as they were previously held and enjoyed by the stockholders therein, in the proportion of their respective interests in the said purchase, and with the same representation of stock as before.

Sale of improvements upon said mortgage, not to work an extinguishment of charter.

SECTION 3. That nothing in this act contained shall have the effect of preventing any person or persons who may be creditors of said company by contract previous to the execution of said mortgage, from receiving their debts or judgments, with like force and effect as if said mortgage had not been authorized by this act.

Collection of debts against company.

WHEREAS, That part of Water street, in the borough of Saltsburg, in the county of Indiana, bounded on the east by lot number one hundred and eighty, under the provisions of an act passed the first day of April, one thousand eight hundred and forty-six, was vacated, and re-located on the west end of said lot number one hundred and eighty, owned by Thomas W. Robinson, upon the faith and understanding that the town council and burgess of the said borough, in consideration of the said Robinson giving them the privilege of locating said street on the west end of lot number one hundred and eighty, would transfer and assure to the said Robinson that part of Water street vacated by such re-location: *And whereas*, The said Robinson relying on this understanding and agreement, has erected a large flouring mill and other buildings on that part of Water street so vacated, and has since sold the one half of the same to Francis Laird; therefore,

Preamble.

SECTION 4. *Be it enacted by the authority aforesaid*, That the said town council and burgess of the borough of Saltsburg, be and they are hereby authorized and empowered to release and convey to the said Thomas W. Robinson and Francis Laird, in fee, all that part of Water street so vacated as aforesaid, on which the said mill is erected, and the land attached thereto, embraced within the following boundaries: beginning at the south-west end of Washington street, at the Conemaugh river; thence along said street to the west end of lot number one hundred and eighty; thence along the western boundary of said lot to the west side of Water street, as at present located, on ground of lot number one hundred and eighty; thence along the west side of said street to the said river; thence down the same to the place of beginning; and upon such release and conveyance as aforesaid being made, the said Robinson, on his part, shall release and convey to the said town council and burgess, for a public highway, that part of Water street located on lot number one hundred and eighty; and the said release and conveyance, when so made as aforesaid, to the said Robinson and Laird, shall be good and effectual to vest in them the absolute fee simple in the lands and real estate so by this act authorized to be released and conveyed to them; and no action shall be brought or maintained by any person whomsoever, for the recovery of said land and real estate so by this act authorized to be released and conveyed to the said Robinson and Laird, after the lapse of three months from and after the passage of this act.

Borough of Saltsburg to convey part of Water street to T. W. Robinson and F. Laird.

SECTION 5. That Pickering street, in the borough of Brookville, Jefferson county, Pennsylvania, be and the same is hereby extended from the south-east corner of the bridge over Red Bank creek, in said borough, south along the west side of the out-lots until the same shall strike the aforesaid creek; that part so extended to be thirty-five feet in width.

Pickering street, Brookville, Jefferson county, extended.

Commissioners
to lay out said
street.

SECTION 6. That E. Heath, J. B. Evans and Philip Taylor be and they are hereby appointed commissioners to survey and lay out the aforesaid street.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 335.

AN ACT

For the relief of Jacob F. Herr, of Lancaster county; relative to the Willow Street turnpike road company; and to the real estate of Margaret Garret Kay.

Canal commis-
sioners to settle
claim of J. F.
Herr.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of canal commissioners be and are hereby authorized to examine, settle and adjust the alleged claim of Jacob F. Herr, occasioned by the breaking of the rope and collision at the inclined plane on the Philadelphia and Columbia railroad, and inquire, and if the same was caused by the negligence of any of the agents of the commonwealth, and report the same to the legislature.

Willow Street
turnpike road,
to change loca-
tion of.

SECTION 2. That the president and managers of the Willow Street turnpike road company are hereby authorized to change the location of said road as laid out in the law incorporating said company, if they shall think it advisable to do so; that they may go off of the Lancaster and Willow Street road, and go any distance therefrom along the same: they shall also have power and authority to straighten the said Lancaster and Willow Street road, or to alter the curves thereof wherever and whenever they may think proper to do so; the damages to property to be ascertained and governed in all respects by the provisions of the general law regulating turnpike and plank road companies.

Margaret Garret
Kay, late Marga-
ret Garret Keen,
authorized to con-
vey certain real
estate.

SECTION 3. That Margaret Garret Kay, late Margaret Garret Keen, be and she is hereby authorized and empowered to have, hold, use, enjoy, grant and convey all and singular the estate, real and personal whatsoever, the title whereof is now under her ante-nuptial deed of settlement, (bearing date the fourteenth day of February, one thousand eight hundred and forty-two, recorded in the office for recording of deeds, et cetera, for Philadelphia county, in deed book G S, number thirty-six, page seven hundred and fourteen,) vested in trustees for her sole use for life; and after her death, for such uses as she shall appoint

by will, as fully and effectually as if no such deed had ever been executed.

SECTION 4. That the court of common pleas of the county of Washington shall have jurisdiction to receive the declination of Jacob Bellheimer, trustee of Susanna, late the wife of Jacob Stehly, and to settle all accounts connected with said trust, and from time to time to discharge, remove and appoint trustees, in the same manner as if the said Jacob Bellheimer had resided in said county at the commencement of the trust.

Court of common pleas of Washington authorized to settle, &c., the trust estate of Susanna, late the wife of Jacob Stehly.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 336.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Wilkesbarre coal company;" relative to overseers of the poor in the borough of West Philadelphia; in relation to Archibald M'Millan, commissioner of Beaver; authorizing Mary Henning, of Union county, and Jeremiah Van Reed, Martin Landis, of Berks county, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Wilkesbarre coal company be permitted and authorized to increase their capital stock one hundred thousand dollars, and to issue bonds in the nature of certificates of loan, to an amount not exceeding, at any one time, one hundred thousand dollars, bearing interest at six per cent. per annum, and redeemable and payable within five years from their date: *Provided,* That to the extent of any sum of money which shall be subscribed to this increased capital stock, the company shall be taxed one per cent., payable in every case at the end of one year after the date of such subscription, to be appropriated to the same purposes as set forth in the original act incorporating the Wilkesbarre coal company.

Wilkesbarre coal company authorized to increase capital stock.

SECTION 2. That the third section of the act, entitled "A supplement to the act to incorporate the borough of West Philadelphia, approved the first day of March, A. D. one thousand eight hundred and forty-five," be and the same is hereby repealed.

Third section of the supplement to the act incorporating the borough of West Philadelphia, repealed.

SECTION 3. That so much of the eighth section of the act, entitled "An Act to incorporate the Wellsborough cemetery company, and relative to the collection of taxes in the counties of Washington and Beaver,"

Commissioner of Beaver county, relative to.

ver," as authorizes Archibald M'Millen (a citizen of Lawrence county) to continue to discharge the duties of the office of county commissioner for the county of Beaver, until the expiration of the term for which he was elected to said office, be and the same is hereby repealed; and the said Archibald M'Millen is hereby authorized to discharge the duties of the said office until the third Tuesday of October next; and the sheriff of the county of Beaver is hereby authorized and directed to insert in his annual proclamation, to be issued to the qualified voters of the county of Beaver, for the year one thousand eight hundred and fifty, a notice to elect one person to serve as commissioner of said county for one year from the third Tuesday of October next, to fill the unexpired term of Archibald M'Millen.

Mary Henning,
wife of George
Henning, au-
thorized to sell
certain real es-
tate.

SECTION 4. That Mary Henning, of East Buffalo township, Union county, wife of George Henning, be and she is hereby fully authorized and empowered to sell and convey, in fee simple, a certain tract of land belonging to her, situate in said township, adjoining lands of William Brown, Simpson Black and others, and to make a good and sufficient deed or deeds of conveyance therefor to the purchaser or purchasers, his or their heirs or assigns, in fee simple, as fully and effectually as if she were, at the time of so doing, a feme sole, and not married; and that the said purchaser shall take the same freed and discharged from all right, title, interest or claim of her said husband in and to the same.

Guardians of the
minor children of
Abraham Seis-
holtz authorized
to sell certain
real estate.

SECTION 5. That Jeremiah Van Reed and Martin Landis, guardians of Adam Seisholtz and Sarah Seisholtz, minor children of Abraham Seisholtz, deceased, be and they are hereby authorized and empowered to sell, by public or private sale, and convey in fee simple, all the estate, right, title and interest of said minor children of, in and to the said mentioned real estate, and all their right, title and interest in any real estate situate in said Hereford and Longswamp townships, Berks county; and that they, the said guardians, shall have full power and authority to execute and deliver to the purchaser or purchasers, a deed or deeds granting and conveying the right, title and interest of said minors, in fee simple, for the same: *Provided*, That before any sale shall be made, the said guardians shall give security, to the satisfaction of the orphans' court of said county of Berks, for the faithful application of the proceeds of the sale of shares and interests of said minors in said real estate, as such, according to law.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 337.

AN ACT

To incorporate the congregation of Saint Aloysius, of Adams county, Pennsylvania; and to erect a bridge over the Yellow Breeches creek, in Cumberland county.

WHEREAS, The Catholic congregation of Littlestown, in the county of Adams, and state of Pennsylvania, have purchased several lots in the town aforesaid, and have erected a church on said lots, and desire to be incorporated under the name, style and title of "Saint Aloysius."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Francis X. De Neckere, Joseph A. Shorb, Henry Spalding, Joseph Fink, Jacob Baumgartner, William M'Sherry, Sebastian Obold, Jacob Marshall and Andrew Little, and their successors, be and are hereby declared and constituted a body politic and corporate in law, under the name, style and title of "The congregation of Saint Aloysius."

SECTION 2. That the persons named in the first section of this act shall be the first board of trustees of the congregation of Saint Aloysius, and that five of them shall be a quorum, and be competent to perform the duties hereinafter authorized and required to be performed by the said trustees.

SECTION 3. That said trustees or a quorum of them shall have power to provide for their succession, by filling such vacancies in the board of said trustees as may from time to time be caused by death, resignation or otherwise, and to prescribe the duties to be performed by the officers of the institution.

SECTION 4. That the said trustees and their successors forever, shall be empowered and authorized, and are hereby declared capable in law to hold the lots now in the possession of the congregation of Saint Aloysius, in the town of Littlestown, in the county of Adams, and state aforesaid, wherever the church is erected for the use of said congregation, and take by purchase, gift, bequest, devise or otherwise, real and personal estate not exceeding in its clear yearly value the sum of two thousand dollars, and the same to hold for the purposes of said congregation, and to sell, convey, mortgage and transfer the same from time to time as occasion may require for said purposes, and to enjoy all the usual privileges and rights of religious corporate bodies, to sue and be sued, to make by-laws, rules and regulations for their own government as the said by-laws shall determine: *Provided*, That the by-laws, rules, regulations or any of them be not repugnant to the laws and constitution of the United States, or of the laws and constitution of this commonwealth, to have a corporate seal which may be altered when necessary, and generally to do everything needful for the support and government of the institution, subject always to the proviso last aforesaid.

SECTION 5. No misnomer of said corporation shall defeat any intended gift, grant, conveyance or bequest thereto if the interest shall sufficiently appear therein.

Reservation. SECTION 6. The legislature hereby reserves the right to alter, amend or annul the charter hereby granted, whenever in their opinion the same may be necessary.

Bridge across the Yellow Breeches creek at Brooks' fording, for the erection of.

SECTION 7. That within two years after the passage of this act, the commissioners of the counties of Cumberland and York shall erect a bridge at the joint expense of their respective counties, across the Yellow Breeches creek, at the fording commonly called Brooks' fording, on said creek, without any compliance with the provisions of the acts of the general assembly in relation to the erection of county bridges by adjoining counties: *Provided always*, That the said bridge when built, shall in all respects be subject to the provisions of the several acts aforesaid.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 338.

AN ACT

Relating to the estate of Peter Hehn, late of Berks county, deceased; to the Catholic and Lutheran cemeteries of the city of Reading; and to authorize the conveyance of certain real estate to the Central Presbyterian church, in the city of Philadelphia.

Preamble.

WHEREAS, Peter Hehn, late of Maxatawny township, Berks county, deceased, in his last will and testament made divers bequests as by his last will and testament filed in the office for registering wills of Berks county appears, part of which reads as follows: I bequeath unto Matilda Helfrick my plantation and lands, together with all the buildings and appurtenances, with the exception of certain improvements otherwise bequeathed, providing that in case of the death without bodily issue of said Matilda, said property was to revert to other grantees named in said last will:

And whereas, The said Matilda, now intermarried with Daniel Kohler, has become heir in trust of said estate, having offspring and heirs, and said heirs being in accordance with the tenor of the last will and testament of said Peter Hehn, deceased, sole and indisputable heirs to said real estate after the demise of said Matilda, and the widow of said deceased widow:

And whereas, The affairs of the estate have been managed in such a manner by the persons in whose trust they were placed by the testator and others, as to squander the means left by said deceased for the payment of certain just debts against said estate, as well as keeping in

repair said farm and buildings, and leaving certain debts unpaid till this day, as well as leaving the buildings of said farm in a dilapidated condition :

And whereas, The above named Daniel Kohler, appointed administrator de bonis non et cum testamento annexo according to law, upon complaint of the mismanagement of his predecessors, has become personally responsible for the payment of those debts, et cetera, amounting to six thousand eight hundred dollars, for the payment of such claims of collateral inheritances, et cetera :

And whereas, Said Daniel Kohler, administrator as aforesaid, as well as Matilda, his wife, late Matilda Helfrick, legatee above named, have issue, two children living, and desire that the estate might be preserved in good order according to the design of the testator, as well as all claims thereon paid ; and further, there is certain lots of ground adjoining the main farm that are either necessary to said farm in order to afford egress and ingress to the buildings, and in fact almost adjoin said buildings, or else would very much improve the value of said farm :

And whereas, Part of the property so bequeathed consisting of fifteen acres of land, lie a distance from and inconvenient to said farm, the sale of which would enable the residuary heirs and administrator to purchase such lands as are necessary to afford ingress and egress to the buildings, as well as other adjoining land, making the whole more valuable than it now is, at the same reserve so much of the proceeds of such sale as is necessary to repair the buildings and fences on said estate and make the home of the widow of said testator, who is now advanced in age, comfortable :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Daniel Kohler, administrator de bonis non et cum testamento annexo of Peter Hehn, deceased, by virtue of which he has become trustee of the said real estate, he as trustee, or he and his wife the said Matilda is or be, as the case may be to suit *purchases*, hereby authorized and empowered to sell at public or private sale the piece of land above described, to give a deed executed by him or them as the case may be as above, which deed shall convey the title which the testator held in the aforesaid piece of land, at and immediately before his decease, and after deducting the state tax, if any, to which this act is liable under the first section of the act of sixteenth April, one thousand eight hundred and forty-five, and the expenses of effecting said sale, to invest the proceeds thereof by purchasing in lieu thereof and by virtue of this act, one or more lots or fields adjoining the main tract or farm of the said deceased, reserving in the title of such purchase the clause that such lot or field, or lots or fields thus purchased, were bought by virtue of this act, and subject to the same rights, claims and provisions of the said will and testament of the said Peter Hehn, deceased, as though the same were and belonged to him in his lifetime: *Provided,* That the orphans' court of Berks county, to which court in due time access for or against such sale and purchase may be had, approve of such sale and purchase.

Daniel Kohler,
administrator of
Peter Hehn, au-
thorized to sell
certain real es-
tate.

Proviso.

SECTION 2. That the said Daniel Kohler, administrator as aforesaid, be and he is hereby authorized to borrow from time to time, as he may think it advisable and necessary, any sum or sums of money, for the use of said estate, and the liquidation of the claims against the estate, the collateral inheritance tax, the legacies bequeathed by the testator and charged to Matilda, now due or becoming due, not exceeding at any time the amount of such claims, debts, legacies, taxes and other liens

Borrow money.

against said estate, due at the time of such loan, by one hundred dollars, and not exceeding in the aggregate the sum of five thousand dollars; and that he be authorized and empowered to mortgage any of the real estate devised to the said Matilda, of the said estate, in security for the payment of the moneys so borrowed, at such time or times as may be agreed upon, at a rate of interest not exceeding six per cent. per annum, and to pay the interest on such moneys borrowed out of the yearly income of said estate, until it shall be, by the decision of judicial powers, ascertained to whom the estate has or shall have passed over in fee simple, and who is or are at such time entitled to all the income of said estate, then such devisee or devisees shall be held, though without interest prior to such passing over, for the said debts, claims, legacies, collateral inheritance taxes resting on the said estate, and thus paid as above, or for the mortgage or mortgages given in lieu thereof, as the case may be.

Further powers.

SECTION 3. That the said Daniel Kohler, administrator as aforesaid, is and be hereby further authorized, agreeably to the will aforesaid, now to put and keep the said lands in good order, and to make the necessary repairs and improvements to the buildings, et cetera, and to make and put the fences in a good condition, et cetera, and to borrow from time to time, as he may think it advisable and necessary, any sum or sums of money for the said purpose exclusively, not exceeding in the aggregate the sum of nine hundred dollars; and that he be authorized and empowered to mortgage any of the real estate of the said deceased, in security for the payment of the moneys so borrowed, at such time or times as may be agreed upon, not exceeding ten years, at a rate of interest not exceeding six per cent. per annum, and to reserve, yearly, a customary and proportional rate as usual among farmers, for the purpose of keeping improvements in repair, of the rents, and all the increase of rents more than now received per year, occasioned by a more proper and judicious management of the estate and farm than heretofore, and the repairs and improvements thus made as above, for the exclusive purpose of paying such money or moneys borrowed for this purpose as above, with interest, and to keep said estate in a good condition until said money or moneys thus borrowed is or shall be all paid.

Accounts.

SECTION 4. That for all money or moneys received and paid by the said Daniel Kohler, administrator de bonis non et cum testamento annexo, as aforesaid, by the provisions and authority of this act, shall be accounted for by him in his account or accounts in the same manner as though he had received and paid the same under the provisions of the said will and testament of the said deceased, and by authority of the same; and it shall be lawful for any person or persons interested in said estate as in other cases, to petition the orphans' court of Berks county, praying that the said Daniel Kohler should or might give additional security, et cetera, relative to the proper appropriation of such money or moneys borrowed under the provisions of this act; and the said orphans' court may decree affirmatively or negatively upon such said petition, as in other cases of similar nature: *Provided*, That before any proceedings shall be had under the provisions of this act, the same shall have been authorized and approved of by said court, and that the said Daniel Kohler shall have given bond with sufficient security, to be approved of by the said court, conditioned for the faithful application of the proceeds of the sale aforesaid, and for the true performance of all and singular his duties as prescribed in this act.

Catholic and Lutheran cemeteries in the city

SECTION 5. That no part of the land now held by the Catholic and Lutheran congregations of the city of Reading for cemetery purposes, shall be converted to any other use, either by the congregations afore-

said or by their grantees; and all the land thus purchased and held by the said congregations or their grantees, for burial purposes, shall be free from all taxes except for state purposes, and from seizure, levy and sale, under or by virtue of any execution, or other legal process against the said congregations or their grantees: *Provided*, That this exemption from execution shall not be construed to extend to more than four lots held by one individual.

SECTION 6. That Richard Gardiner, Daniel Harrington, Joseph Randall, Joseph Dietz, Samuel Hemple, John Keyser, Samuel Hemple, junior, Joseph H. Siddall, Daniel G. Hopper, John H. Campbell, William M'Ferran, Jacob A. Tryon, William Roberts, Joseph Cobb, Adam Engard, George H. Ball, Maskell M. Carll, James Waters, Joseph Margerum and Jacob Canter, their heirs, executors and assigns, be and the same are hereby authorized and empowered to sell and convey in fee simple, without any restriction as to the purposes for which the same shall be used, to the Central Presbyterian church in the city of Philadelphia, certain lots of ground situate on Bush Hill, in the county of Philadelphia, which Maskell M. Carll, Jacob A. Tryon and Joseph Randall, trustees for the members composing the First New Jerusalem church in the city of Philadelphia, by sundry deeds granted and conveyed to the said above named persons for places of interment only, as is recited in and which lots are more particularly described in a certain plan of said lots, endorsed on the back of a deed from the said trustees to the Central Presbyterian church in the city of Philadelphia, dated the first day of April, Anno Domini, one thousand eight hundred and thirty-six, and recorded in the office for recording deeds for the city and county of Philadelphia, in deed book S H F, number one, page one hundred and twenty-eight.

Sale of certain real estate authorized to be made to the Central Presbyterian church in the city of Philadelphia.

SECTION 7. That the Central Presbyterian church in the city of Philadelphia, be and the same is hereby authorized and empowered to sell and convey in fee simple, without any restriction as to the purposes for which the same shall be used, a certain lot of ground situate on Bush Hill, in the county of Philadelphia, which Maskell M. Carll, Jacob A. Tryon and Joseph Randall, trustees for the members composing the First New Jerusalem church in the city of Philadelphia, conveyed to the said the Central Presbyterian church in the city of Philadelphia, by deed dated the first day of April, Anno Domini, one thousand eight hundred and thirty-six, and recorded as is recited in the immediately preceding section of this act.

Said church authorized to sell a certain lot of ground.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 339.

AN ACT

To secure the cities of Pittsburg and Allegheny, and the neighborhood thereof, from damage by gun-powder; to incorporate an association for the establishment of a house of refuge for western Pennsylvania; and relative to the Pennsylvania State Lunatic hospital.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any merchant, shop-keeper, or other person or persons whatsoever, to keep, deposit, or store any greater quantity of gun-powder than thirty pounds weight in any boat, ark, store, shop, warehouse, house, cellar or other apartment, in the cities of Pittsburg or Allegheny, or the neighborhood thereof, within five miles of the new court house at any one time, except in the magazines or other buildings constructed for the storage of gun-powder, and regulated under the provisions of the third and fourth sections of this act.

Unlawful for shop-keepers or other persons in the cities of Pittsburg and Allegheny, to keep or deposit gun-powder in certain quantities, &c.

To be kept separate from other goods, &c.

SECTION 2. That the aforesaid quantity of gun-powder allowed to be kept within said cities, or within five miles of the new court house aforesaid, shall be deposited in a place by itself, separate from other goods and commodities, and shall be secured by lock and key, or in some other safe manner.

Court of quarter sessions of Allegheny county to declare magazines, &c. nuisances in certain cases.

SECTION 3. That it shall be the duty of the judges of the court of quarter sessions of the peace of the county of Allegheny, upon the application of any resident of said county, setting forth, under oath or affirmation, that he verily believes that any magazine, or other building now in use for the storage of gun-powder within the said county of Allegheny, endangers the safety of the cities of Pittsburg and Allegheny, and their suburbs, or either of them, to inquire into the truth of such allegation, and after careful investigation, to decide thereon; and if the said court shall be of opinion that such magazine, or other building used for the purpose aforesaid, is unsafe to the people of said cities or suburbs, or either of them, either on account of its location, construction or management, it shall be the duty of said court to declare the *sum* to be a nuisance.

Location of magazines.

SECTION 4. That no magazine, or other building to be used for the storage of gun-powder, shall hereafter be constructed within five miles from the court house of said county, until the location and plan thereof shall be first approved by said court; and any person offending against this act, or any order or decree of said court relative thereto, shall be deemed guilty of a misdemeanor, and on being convicted thereof, shall be punished by fine, at the discretion of the court, not exceeding five hundred dollars, for the use of the county.

Retailers, how to be supplied with gun-powder.

SECTION 5. That for the purpose of supplying retailers of gun-powder within the limits hereinbefore prescribed, it shall and may be lawful to introduce the same in kegs, well made, sufficiently tight, each carefully enclosed in sound and proper bags, and laid in a close-bodied carriage, cart or wagon, covered with painted canvass.

Provisions of this act not to apply

SECTION 6. That the provisions of the previous sections of this act shall not apply to gun-powder in transitu over the public works of this

commonwealth: *Provided*, That the same shall not be permitted to remain within the said cities and suburbs on board of the canal boat, or water craft transporting the same, for a longer period than twelve hours.

SECTION 7. That this act shall not be construed to interfere with any existing ordinances of the cities of Pittsburg and Allegheny, or with any powers which said cities at present possess, to regulate the storage of gun-powder within their respective limits.

SECTION 8. That the United States arsenal, located in Allegheny county aforesaid, be and the same is hereby exempted from the operation of so much of the provisions of this act, would exclude the keeping, deposit and storage of gun-powder at said arsenal, and on the ground thereto attached belonging to the United States; and furthermore, that the provisions of this act shall not extend to the storage house or houses of manufacturers already erected.

SECTION 9. That it shall be unlawful for any person to transport gun-powder over any railroad, canal or slack-water in this commonwealth, unless the keg, barrel, box, or other vessel containing the same, shall be distinctly and conspicuously marked by having the word "gun-powder" written or printed thereon; and every violation of this section shall subject the person or persons so offending, to be prosecuted by indictment in the court of quarter sessions of the proper county, and punished by fine not exceeding five hundred dollars, and imprisonment not exceeding six months, or either of them, at the discretion of the court; and it is hereby made the duty of the canal commissioners to give due notice of the provisions of this section along the lines of the public works of this commonwealth.

SECTION 10. That all such persons as shall become subscribers to an association, in the manner hereinafter provided, shall be a corporation and body politic in law, by the name, style and title of "The House of Refuge of western Pennsylvania;" and by that name, and style and title shall have perpetual succession, with the power to have a common seal, and to change the same at pleasure; to establish, erect and manage a house of refuge in the counties of Allegheny or Westmoreland, and to make contracts relative to the same; to sue and be sued, and by that name and title be capable, in law, of purchasing, taking, holding and conveying any estate, real or personal, for the use of the said corporation; and to establish by-laws and orders for the regulation of the institution, and the preservation and application of the funds thereof: *Provided*, The same be not repugnant to the constitution and laws of the United States or of this commonwealth.

SECTION 11. That every person who shall subscribe the articles of such association, and pay to the funds of the institution the sum of fifty dollars, or ten dollars annually, for the term of six years, shall be a member for life; and every person paying the sum of two dollars annually, shall be a member while he continues to contribute the said sum; such payment to be made at the time and in the manner to be prescribed by the by-laws of the said association.

SECTION 12. That the estate and concerns of the said corporation shall be conducted by the following officers, to wit: a president, a vice president, a treasurer and a secretary, and twelve managers, of whom five shall constitute a quorum for the transaction of business, who shall appoint, from their own body, a chairman and secretary, and prescribe the duties of each; that the members of the said association shall meet within thirty days after five thousand dollars shall have been subscribed, for the purposes provided for by this act, and on the first Monday of January annually thereafter, at such place within the counties of Alle-

Construction of this act.

United States arsenal.

Kegs, barrels, boxes, &c., containing gun-powder, to be labelled.

Privileges.

Life members.

Officers.

Quorum.

Annual election.

gheny or Westmoreland as the board of managers may from time to time appoint, and of which the president, or in case of his absence or refusal to give the same, the vice president, or any member of the said association, shall give notice, in at least two the daily papers published in the city of Pittsburg, and one weekly paper in the borough of Greensburg, and elect, by a plurality of votes, the aforesaid officers; and whenever any vacancy shall occur, by death, resignation or otherwise, the same shall be filled, for the remainder of the year, by such person, being a subscriber to the articles of association, as the board of managers for the time being, or a majority of them, shall appoint: *Provided*, That the notice of the first election may be given by a committee of the contributors appointed for the purpose.

Failure of annual election not to dissolve said corporation.

SECTION 13. That if the annual election shall not take place on the day appointed for that purpose, the said corporation shall not therefor be dissolved, but the members of the said board shall continue in office until a new election, which shall be had at such time and place, and after such notice, as the said board shall prescribe; and in case of an equality of votes for any one or more persons, the said board shall determine which of such persons shall be considered as elected.

Buildings.

SECTION 14. That the board of managers shall provide a suitable building as a house of refuge in the city of Pittsburg, the county of Allegheny or the county of Westmoreland, and establish such regulations respecting the religious and moral education, training, employment, discipline and safe keeping of its inhabitants, as may be deemed expedient and proper.

Who may be admitted.

SECTION 15. That it shall be lawful for the board of managers of said house of refuge, at their discretion, to receive into their care and guardianship infants, males under the age of twenty one years, and females under the age of twenty-one years, committed to their custody in either of the following modes, to wit:

First. Infants committed by an alderman or justice of the peace on the complaint, and due proof made thereof by the parent, guardian or next friend of such infant, that by reason of incorrigible or vicious conduct, such infant has rendered his or her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite, that from regard to the morals and future welfare of such infant, he or she should be placed under the guardianship of the managers of the said house of refuge.

Second. Infants committed by the authority aforesaid, where complaint and due proof have been made that such infant is a proper subject for the guardianship of the managers of the said house of refuge, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent, or guardian or next friend, in whose custody such infant may be, such parent, guardian or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

Third. Infants who shall be taken or committed as vagrants or upon any criminal charge, or duly convicted of criminal offences as may in the judgment of the court of oyer and terminer, or of the court of quarter sessions of the peace of any county within the western district; and the said managers shall have power to place the said children committed to their care, during their minority, at such employment, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power at their discretion to bind out the said children, with their consent, as apprentices during their minority to such persons and at such places, to learn such proper trades and employments as in their judgment will be most

conducive to the reformation and amendment, and will tend to the future benefit and advantage of such children.

SECTION 16. That it shall be the duty of any alderman or justice aforesaid, committing a vagrant, or incorrigible or vicious infant as aforesaid, in addition to the adjudication required by the sixth section of this act, to annex to his commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the said adjudication was founded.

Aldermen and justices of the peace, duties of.

SECTION 17. That it shall be the duty of the president judge of the court of common pleas and the judges of the district court of Alleghen county, or the judges of the court of common pleas of Westmoreland county, alternately, in such manner as may be arranged between them at a joint meeting for that purpose, from time to time held, to visit the said house of refuge at least once in two weeks, or oftener if to said judges it shall seem requisite; and it shall be the duty of the judge so visiting the house of refuge, carefully to examine into all the commitments to the said house of refuge, made by the aldermen or justices aforesaid, that have not previously been adjudged upon by one of the said judges in the manner hereinafter directed, which commitments it shall be the duty of the managers truly and correctly to lay before such judge; and on such examination such judge shall have produced before him by the managers aforesaid, their superintendent or agent, the infant or infants described in such commitment, and the testimony upon which he or she shall have been adjudged a fit subject for the guardianship of the said managers, or on which he or she shall be claimed to be held as such; and if after examining the infant and such testimony the said judge shall be of opinion that, according to the laws of this commonwealth regulating the control of infants, a case has been established which, in his opinion, would, according to law, authorize the transfer of the parental authority over such infant, to the managers of the said house of refuge, then and in that case it shall be the duty of the said judge to endorse an order on the commitment of the alderman or justice, or direct the infant to be continued under the guardianship of the said managers, after which it shall be lawful for the said managers to exercise over all such infants the powers and authorities given them by this act; but if the said judge shall be of opinion that such case has not been made out, he shall order such infant to be forthwith discharged, which order shall be obeyed by the managers, under the pains and penalties provided by law against wrongful imprisonment: *Provided*, That it shall be the duty of said judge, at the request of such infant, or any person on his or her behalf, to transfer such hearing to the court house of the court of which he is a member, in order that the infant may have the benefit of counsel and compulsory process, to obtain witnesses in his or her behalf, which such judge is authorized to award as fully and amply as any judge or court could do on the hearing of a writ of habeas corpus: *And provided also*, That nothing in this act shall be construed to interfere with the provisions of an act for the better securing of personal liberty, and preventing unlawful imprisonment, passed on the eighteenth day of February, one thousand seven hundred and eighty-five.

Duties of the judges of the courts of Allegheny and Westmoreland counties.

SECTION 18. That the said managers may from time to time make by-laws, ordinances and regulations relative to the management, government, instruction, discipline, employment and disposition of the said children while in the said house of refuge, not contrary to law, as they deem proper; and may appoint such officers, agents and servants as they may deem necessary, to transact the business of the said corporation, and may designate their duties; and further, the said managers

By-laws.

shall annually lay before the contributors on the first Monday of January, and transmit to the legislature a report, setting forth the number of children received into the said house of refuge, the disposition which shall be made of them by instructing or employing them in the said house of refuge, or by binding them out as apprentices, the receipts and expenditures of said managers, and generally all such facts and particulars as may tend to exhibit the effects, whether beneficial or otherwise, of the said association; and the right is hereby reserved to the legislature to alter, amend or repeal this act.

Expenses, by
whom to be paid.

SECTION 19. That the children received by said managers under the conviction of any court within the said western district, shall be clothed, maintained and instructed by the said managers at the public expense of the proper county from which they came; and the accounts of said children shall be kept by the said managers in the same manner that the accounts of convicts in the penitentiaries are now directed to be kept by the inspectors thereof.

Property exempt
from taxation.

SECTION 20. That the ground and buildings erected thereon for the use and object of said association, shall be exempt from taxation.

\$20,000 hereby
appropriated to
said institution.

SECTION 21. That the sum of twenty thousand dollars be and the same is hereby appropriated to aid in the purchase of ground and the erection of buildings for the uses and objects of said association, the said sum to be paid by the state treasurer on the warrants of the governor, to be drawn when he shall be satisfied that an equal amount has been bona fide subscribed by other responsible parties, and the warrants shall only be drawn for amounts equal to the aggregate payments made from time to time by such other contributors: *Provided*, That each of the stockholders or members of the said company, shall have one vote and no more, in any matter pertaining to the institution or its affairs.

Proviso.

Pennsylvania
State Lunatic
hospital, relative
to.

SECTION 22. That so much of the first section of the act of assembly passed the seventh day of April, one thousand eight hundred and forty-nine, entitled "A further supplement to the act relative to the Pennsylvania State Lunatic hospital, passed April fourteenth, one thousand eight hundred and forty-five," as provides that the proceeds of the sale of the site for an asylum for the insane of the commonwealth, (authorized to be made by said act) shall be paid into the treasury of the commonwealth, be and the same is hereby directed to be paid over to the commissioners of the Pennsylvania State Lunatic hospital, on warrants to be drawn by the governor, and to be by them expended in beautifying and embellishing the grounds around said hospital, and to be accounted for to the accounting officers of this commonwealth.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 340.

A N A C T

To incorporate the Lewisville and Prospectville turnpike road company, in Montgomery county; and relating to certain state roads in Allegheny and Washington counties, and in Luzerne, Schuylkill and Columbia counties; and relative to the first United States Bank; and courts of quarter sessions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jesse Shoemaker, Silas Shoemaker, John L. Jones, doctor Isaiah Lukens, Benjamin C. Rich, Conrad Root, Israel Shay, Isaac L. Shoemaker, William M'Clean, Nathaniel B. Johnson, J. Shay, Ephraim Conrad and Job Conrad, of Montgomery county, be and they are hereby appointed commissioners to open books, receive subscription to stock, and organize a company, by the name, style and title of "The Lewisville and Prospectville turnpike road company," with power to construct a turnpike road, said road to commence and connect with the Chesnut Hill and Springhouse turnpike, at or within a fourth of a mile of Andrew Gilkeson's store, and following the bed of the old road as near as practicable, terminate at the Horsham road, at or near Nathaniel B. Johnson's store; subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth of January, one thousand eight hundred and forty-nine, and the supplement thereto, except that when said company shall have completed said road, which is computed at a less distance than five miles in extent, but more than four, that said company be and they are hereby authorized to collect and receive the same amount and description of tolls as prescribed in said act for distances of five miles, computed and licensed as therein mentioned: *And provided further,* That when said company shall have made and completed two miles of said road, they shall have power to collect and receive toll on the same in proportion to the rates referred to and prescribed by this act.

SECTION 2. That the capital stock of said company shall consist of two hundred shares, at fifty dollars per share: *Provided,* That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

SECTION 4. That Hiram Hultz, of Allegheny county, William Parke and Daniel Darragh, of Washington county, be and they are hereby appointed commissioners to review a part of a state road leading from M'Keesport to Georgetown, commencing on land of William Caldwell, Upper St. Clair township, county of Allegheny, where said road intersects the road from Pittsburgh to Washington, to a point in land of Robert E. Murdock, in Cecil township, county of Washington, where said

Commissioners.

Style.

Location.

Subject to the provisions of certain act.

Capital stock.

Commencement and completion of road.

Commissioners to review part of a certain state road.

road crosses the county line; and to alter and amend the same if they deem it necessary.

Duties.

SECTION 5. That the said commissioners, after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act with fidelity and impartiality, shall proceed to view the ground, and lay out the road as near a straight line between the said points as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except at the crossing of ravines and streams, when by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit.

Surveyor, &c.,
pay of.

Commissioners,
pay of.

SECTION 6. Said commissioners shall meet on or before the first day of September next, and proceed to complete the view of said road; and they are hereby authorized to employ one surveyor at a per diem not exceeding two dollars per day, and two chain-bearers and one axeman, who shall receive one dollar; and the said commissioners shall receive one dollar and fifty cents each for every day necessarily spent in the discharge of the duties enjoined by this act; and the amount required to pay the expenses as thus provided, shall be paid by a warrant drawn on the commissioners of Allegheny and Washington counties, in proportion to the time spent in each county respectively.

Draft.

To be filed.

SECTION 7. It shall be the duties of said commissioners to make a fair and accurate draft of the location of said road, noting courses and distances, improvements, roads, township lines and waters, one copy of which shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next after the survey is completed, and one copy in the office of the clerk of the court of each county in which said road may lie, and from thenceforth the said road shall be a public highway, and shall be opened and *required* in all respects as roads are opened and repaired by order of the courts of quarter sessions of said counties.

Damages, how
adjusted.

SECTION 8. It shall be the duty of the said commissioners to endeavor to procure from all persons through whose land said road is located, releases for all claims and damages which might arise from opening the said road, and in all cases where a release cannot be obtained, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, which with the releases, shall be returned to the courts of quarter sessions of the respective counties in which such damages may accrue.

Commissioners to
review part of a
certain state road.

SECTION 9. That Almar Goss and Samuel P. Collings, of Luzerne county, and James Hess, of Columbia county, be and they are hereby appointed commissioners to review, and if they deem it necessary, vacate and re-lay so much of the state road from Berwick to Pottsville, laid out under an act, entitled "An Act providing for laying out a state road from Berwick, in Columbia county, to Pottsville, in Schuylkill county, and to view and lay out a state road from Waynesburg, Greene county, to widow Griffin's, in Fayette county," approved the twenty-eighth day of March, A. D., eighteen hundred and forty-eight, as lays between the old coaling ground and Martin Rittenhouse's mill, in Luzerne county; and also, so much of the state road from Mifflinville, in Columbia county, to Conyngham, in Luzerne county, laid out under an act, entitled "An Act authorizing the laying of certain state roads, and for other purposes; and to view and open a state road from Mifflinville, in Columbia county, to Conyngham, in Luzerne county," approved the tenth day of April, A. D., eighteen hundred and forty-eight, as lays between the aforesaid old coaling ground and Conyngham, and they shall extend the said road to the Susquehanna river, at

the ferry near the house lately occupied by Conrad Diedrich; thence to cross the river and pass through the notch in the mountain near the residence of Robert Henderson, and thence to the house of James Hess, in Columbia county, and the commissioners herein named shall be subject to the like duties, and shall receive their pay in like manner; and the road or roads laid out under this act shall be made and opened in like manner as is provided in the fourth, fifth, sixth, seventh and eighth sections of the act, entitled "An Act authorizing the laying out of certain state roads, and for other purposes; and to review and open a state road from Mifflinville, in Columbia county, to Conyngham, in Luzerne county," approved the tenth day of April, A. D., eighteen hundred and forty-eight; and the several provisions of said sections of said act are hereby extended and made applicable to this.

SECTION 10. That the surviving trustee or trustees appointed by the president, directors and company of the Bank of the United States, by four several deeds dated March second, eighteen hundred and eleven, to close the affairs of the said bank, shall within sixty days after the passage of this act, cause to be published once a week for six successive weeks in one or more public newspapers having the largest circulation, printed in the several cities of Philadelphia, Boston, New York, Cincinnati, Louisville, Ky., St. Louis, Mo., New Orleans and Charleston, S. C., a true and accurate statement, verified by the oath or affirmation of one or more of said trustees, and of the acting cashier of said trustees, of all dividends or profits declared on or out of the capital stock of said first Bank of the United States, which at the date of such publication shall remain unclaimed by the person or persons, copartnership or corporation authorized to receive the same; which said statement shall set forth the names, the residence and business of the persons, copartnerships or corporations, if known, in whose favor said dividends or profits may have been declared or made, the amount of such dividends or profits, and the number of shares in the capital stock upon which the same had accrued, been declared or made.

Surviving trustee or trustees of the Bank of the United States to give certain notices, &c.

SECTION 11. That the said trustee or trustees shall at the same time cause to be published in like manner, and for the same period, a statement verified as aforesaid, of the names, and if known, the residence and business of all persons, copartnerships or corporations, if known, who made deposits in said bank, or have balances due them as depositors, which shall remain unclaimed by the person or persons, copartnerships or corporation authorized to receive the same, with the dates when such deposits were made or balances accrued, the amount thereof, and the amount of interest, if any accruing or accrued thereon.

Further duties.

SECTION 12. That it shall and may be lawful for the several courts of quarter sessions of the peace of this commonwealth, whenever the public business shall require it, to fix adjourned or special courts of quarter sessions, for the purpose of trying issues in criminal cases, and transacting the other business of such court, and to recognize parties and witnesses for their appearance at such courts, as if they were regular sessions.

Special courts of quarter sessions, provision for.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 341.

AN ACT

Authorizing the erection of a school house in South-west township, Warren county, and reviving the charter of the Norristown and Valley railroad company, under the name of the Chester Valley railroad company.

School directors of South-west township, Warren county, authorized to build a certain school house.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the school directors of the township of South west, in the county of Warren, be and they are hereby authorized to erect a suitable school house in sub district, number one, in said township, and to levy a tax for the payment thereof upon the taxable inhabitants and property of said sub-district, number one.

Commissioners.

SECTION 2. That Benjamin Rush, C. H. Fisher, William A. Porter, William E. Morris, Thomas S. Taylor, George W. Carpenter, Josiah Leeds, A. Cummings, J. J. McCahen, C. Calket, A. E. Dougherty, Harry Connelly, William O. Kline, Joseph B. Smith, John R. Vogdes, Robert C. Martin and Lewis Bitting, of the city and county of Philadelphia; Josiah W. Evans, William W. Holstein, William Roberts, Henry Freedley, David Evans, William Henry and William T. Morrison, of the county of Montgomery; and John Bartholemew, J. B. Moorhead, Richard M. Thomas, George Thomas and W. W. Downing, of the county of Chester, or any five of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, and to organize a company with all the powers, rights and privileges, and subject to all the restrictions and provisions prescribed by an act, entitled "An Act regulating railroads," approved the nineteenth day of February, one thousand eight hundred and forty-nine, so far as the same are not modified, supplied or superseded by the special provisions of this act.

Subject to the provisions of certain act.

Meetings of stockholders, &c.

SECTION 3. The commissioners before named, as soon after the passage of this act as conveniently may be, shall at such proper times and places as they may designate, call a meeting or meetings of the stockholders, and judgment, bond and other creditors of the late Norristown and Valley railroad company, giving at least two weeks' previous notice of the same in not less than two daily newspapers published in the city of Philadelphia, and in two weekly newspapers published respectively in the borough of Norristown and in the borough of West Chester, at which times and places said commissioners, by themselves or by committees appointed by them, shall attend for the purpose of receiving evidence of the claims of such of the stockholders and creditors of the said late company as shall present the same, of which claims a record shall be kept by said commissioners; and they shall issue to the stockholders of the late Norristown and Valley railroad company, one share of stock in the company hereby created, of the par value each of fifty dollars for every one hundred dollars paid on account of subscriptions to the stock of the said late company; and they shall issue to such judgment, bond and other creditors as shall present satisfactory evidence of the legality of their claims, one share of stock for every fifty dollars of the principal of such claims; and such stock so issued and dis-

Issue of stock.

tributed to the stockholders and creditors of the said late company, shall be in full liquidation of such bonds and other claims, and shall be a full equivalent for all work done, improvements made, and property and rights acquired by said company; and the same are hereby revived and vested in the company created by this act: *Provided*, That all holders of stock, bonds, or any other claims, that shall fail to present the same, satisfactorily proven, or shall not accept their portion of said stock at the times and places appointed by said commissioners to make distribution, shall forfeit all right to any portion of said stock.

SECTION 4. And when the said distribution and division shall have been made among the stockholders and creditors of said late company, such fact shall be certified to the governor of this commonwealth by a majority of the commissioners acting in the premises, stating the number of shares issued to the said stockholders, and the number issued to said creditors; whereupon the governor shall, by letters patent under his hand and the seal of the commonwealth, create and constitute the holders of said stock, and those who shall thereafter subscribe to the preferred stock of said company, their successors and assigns, into a body politic and corporate, by the name, style and title of "The Chester Valley railroad company;" and the capital stock of said company shall, in addition to that issued to said stockholders and creditors, consist of six thousand shares of the par value of fifty dollars each: *Provided*, That the collector of tolls upon the Philadelphia and Columbia railroad, at or near Downingtown, be and is hereby authorized and directed to require from the owner, consignee or conductor of all cars passing on or off the Philadelphia and Columbia railroad at Downingtown, before he shall allow the same to pass, satisfactory evidence of the place whence the cars and their contents were cleared, and the place of their destination; and upon all freight, passengers and cars which may have passed, or be intended to pass upon or over the Philadelphia and Columbia railroad, going either to or from Philadelphia, or to any other point more than twelve miles in an easterly direction from the borough of Norristown, which shall be carried over said Chester Valley railroad, the canal commissioners shall cause to be charged, collected and paid into the state treasury for the use of the commonwealth, the same amount of tolls and charges to which such freight, passengers and cars would be subject, had the same passed upon the state railroad the entire distance between Downingtown and Philadelphia; and if this proviso shall at any time be repealed, the legislature hereby reserves the right to re-enact the same; and the legislature also hereby reserves the right to adopt such means as it may think necessary at any time to secure a faithful compliance with the true intent and meaning of this section.

SECTION 5. The said company shall have the right to build or construct a railroad, beginning at a point on the Columbia and Philadelphia railroad, near the Valley creek, and thence pursuing the route heretofore laid out for the Norristown and Valley railroad, to some suitable point at or near Henderson's marble quarry, in the county of Montgomery; thence by a new route to intersect the Norristown railroad at or near the borough of Norristown, in the county aforesaid, and to connect the same with the Reading railroad, at or near Bridgeport: *Provided*, That the number of directors of the said corporation hereby created shall be seven, of whom a majority shall form a quorum: *And provided further*, That no stockholder shall have the right to give more than twenty votes at any election of said company: *And provided further*, That all the damages already done by the said Norristown and Valley railroad company, to the property through which the same passes, and which have not already been paid, shall be estimated, to-

Letters patent.

Style.

Capital stock.

Location.

Damages, how adjusted.

gether with that hereafter to be done, and upon all that portion of the original line of the Valley road not now proposed to be occupied, being between the point of divergence near Henderson's quarry and the former terminus of the road near Conshehocken, then shall be made between the land holders and the company an agreement for damages, or an assessment of the same, to be paid in stock of the same kind as that issued to stockholders and creditors of the former company, and such stock being accepted by the land holders shall be in full for all claims for damages; and the land may at any time hereafter without further payment of damages, whenever authorized by the legislature, be used and occupied by the said company for the construction of their road: *Provided*, That the said land-holders shall have the option to accept or decline said stock, and if declined, no claim for damages for land below said point of divergence shall be construed to exist, or be valid against this company, until said land shall be actually required for the use of said company.

Increase of capital.

SECTION 6. That if any increase of the capital shall be deemed necessary in order to complete or improve the said railroad, or appurtenances, it shall be lawful for the stockholders of said company, at any annual meeting, or at any special meeting convened for that purpose, to increase the number of shares to any extent not exceeding two thousand shares, which said two thousand additional shares, or any part thereof, shall be disposed of by the president and directors of the said company in such manner, and subject to such conditions as the said stockholders at such meeting as aforesaid shall prescribe; and the said president and directors shall have power to dispose of any of the original shares of said stock that may remain undisposed of, at such times and on such terms as they may deem expedient; and all stock issued for the purpose of raising money to complete the road and works, and to supply the necessary engines and cars, machinery, tools and appurtenances, shall be designated a preferred stock, and in the receipt of dividends up to eight per cent. per annum, shall have a preference over the stock to be issued to the stockholders and creditors of the former company.

Said road not to connect with any road leading to the Delaware river, &c.

SECTION 7. That in the event of the connection of said road, directly or indirectly with any road or roads leading to the Delaware river in the direction of New York, without the consent of the legislature of this commonwealth, this act shall be null and void: *And provided further*, That this act shall not authorize the taking of any private property unless said company shall make compensation to the owners of said property therefor, before said property shall be taken.

Time of organization.

SECTION 8. That if said company shall not become organized on or before the first of January, one thousand eight hundred and fifty-two, or shall not on or before the first of January, one thousand eight hundred and fifty-five, put in operation at least ten miles of said road, then in either case all the rights and privileges hereby conferred, shall be null and void and of no effect, as fully as if neither the present nor the former company had ever been chartered.

Damages to be assessed.

SECTION 9. That in all cases where damages were paid for in stock of the former company, such damages shall be re-assessed or agreed upon, and the stock so issued in payment shall be delivered up to the company to be cancelled; and before entering upon or taking possession of any land intended to be occupied by said road, the said company shall in all cases where desired by the owners of said land, cause to be erected on both sides of said road a good and substantial fence, and said fences shall at all times thereafter be maintained by said land-holders.

SECTION 10. In case this road shall at any time be purchased by the commonwealth, the cost of said road shall be taken to have been five hundred thousand dollars, together with the sums that may be expended under this act in completing the said road and works, with eight per cent. interest upon the same; the sum spent in completing the road, with interest, to be first paid in full: *Provided*, That no interest shall be allowed upon the said five hundred thousand dollars, prior to the passage of this act.

Cost of constructing said road if purchased by the commonwealth.

SECTION 11. The legislature reserves the right to revoke, alter or amend the charter hereby granted at any time hereafter, should said company violate, abuse or misuse the privileges hereby granted.

Reservation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 342.

A SUPPLEMENT

To an act, entitled "An Act to prevent waste in certain cases within this commonwealth," passed the twenty-ninth day of March, one thousand eight hundred and twenty-two; to land and building associations; giving the court of Susquehanna county jurisdiction in a certain case; relative to the service of process in certain cases; to party walls in West Philadelphia; to the proof of a certain will; to the sale and purchase of certain burial grounds in Philadelphia; to the laying of gas pipes in the district of Moyamensing; to the release of certain sureties in Erie county; to the State Lunatic hospital; relative to the service of process against sheriffs; to the rights of married women; to ground rents; and relating to foreign insurance companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a writ of estrepement to stay waste may be issued agreeably to the provisions of the act to which this is a supplement, in all cases after judgment obtained on a scire facias or mortgage, or after proceedings instituted to collect a debt secured by mortgage, upon the proper affidavit being made as required by said act: the court out of which said writs shall issue, shall have full power and authority to dissolve, modify or restrict said writs, and to make such order in the premises as to them seem equitable, and to enforce such orders by attachment if necessary: *Provided*, That no mortgagor shall be hereby restrained from the reasonable and necessary use and enjoyment of the land and premises in his, her or their possession; and that the court shall have power to inquire

Writs of estrepement to stay waste, when they may issue, &c.

Proviso.

into and determine the nature and extent of such use and enjoyment, upon any motion to dissolve said writ.

Further proceedings to stay waste in certain cases.

SECTION 2. That from and after the passage of this act it shall and may be lawful for any creditor of any decedent, who has heretofore died seized or possessed of any real estate in this commonwealth, or who may hereafter die so seized or possessed, to apply to the court of common pleas of the proper county, while in session, or to any judge thereof in vacation, by petition and affidavit made by such creditor, or the agent of such creditor, setting forth that such decedent was at the time of his decease, indebted to such creditor, and also, setting forth the amount and character of such indebtedness, and that the personal estate of such decedent is not sufficient to pay his just debts, and that the tenant or person in possession of such decedent's real estate has committed waste to the freehold, or allows it to be done by others, and that in consequence of such waste the claims of his or her creditors will be endangered, and their collection defeated in whole or in part; and thereupon said court or judge, as the case may be, shall order the prothonotary of said court to issue a writ of estrepement to stay waste, which writ shall have the same effect as if issued after action of ejectment brought in cases where such action is the proper remedy: *Provided*, That the court from which said estrepement issues, shall have power to dissolve the same upon receiving from the person or persons in possession of such real estate, security to indemnify the creditors of said decedent against any damages or loss which may be occasioned by the commission of waste on said decedent's premises as aforesaid, or on such other terms and conditions as the court may consider equitable and just.

Tenants in possession after service of writ, not to remove or cut down timber, &c.

SECTION 3. It shall not be lawful for any tenant or other person in possession of any lands within this commonwealth, after the service of a writ of estrepement to prevent waste on the lands of which he or she is possessed, to remove therefrom any timber trees, although cut down before the issuing of said writ; and all timber removed from said lands after the service of such writ, may be replevied by the party on whose behalf it issued, who shall be entitled to recover and hold the same: *Provided*, The removal thereof shall prove to be injurious to him or her, either as owner of the premises or as a creditor of the owner, or otherwise.

Mutual savings fund, land or building associations, for the formation of, in the city and county of Philadelphia, and the counties of Schuylkill and Berks.

SECTION 4. That when any number of persons, citizens of the city and county of Philadelphia, and the counties of Schuylkill and Berks, are associated or mean to associate for the purpose of forming mutual savings funds, land and building associations, they shall make application to the court of common pleas of the proper county, in which said corporation or body politic in law is intended to be situated, in the same manner and at such times as are prescribed by the thirteenth section of any act passed the thirteenth day of October, in the year of our Lord, one thousand eight hundred and forty, entitled "An Act relating to orphans' courts, and for other purposes," and upon compliance with the provisions of said section of said act, the said court shall be and hereby is fully empowered to grant acts or charters of incorporation to said associations; and the thirteenth, fourteenth and fifteenth sections of the aforesaid act of assembly are hereby extended to and made a part of this act with regard to said association, corporations or bodies politic in law: *Provided*, That no charter granted under or by virtue of the provisions of this act, shall be for a longer period than ten years.

Constitution.

Parents may sign such consti-

SECTION 5. That the members of associations may adopt such constitution or articles of association as to them may seem most beneficial; and that parents may sign such constitutions or articles of association,

for and on behalf of their minor children; and such parents may hold the shares subscribed for, or the certificates of stock or stocks, or other indicit of ownership or interest in such associations, corporations or bodies politic in law, or in the common fund or property, and act in such associations, corporations or bodies politic in law, for those whom they represent; but the investments and the benefits, profits and increase thereof shall inure to the parties represented.

SECTION 6. That the number of shares in any of the mutual savings fund associations which may be incorporated under the provisions of this act, shall not exceed five hundred; nor the value of each share, two hundred dollars; nor any instalment or periodical payment of money on any one share, the sum of two dollars.

SECTION 7. That in investing the fund or funds of said mutual savings fund associations, corporations or bodies politic in law, preference shall be given to the members thereof, in such manner, and under such conditions and regulations, as they may have agreed upon, or may mutually agree upon.

SECTION 8. That if any officer of, or any member or person connected in any capacity with such associations, corporations or bodies politic in law, shall embezzle or convert to his own use any money or property belonging to said associations, corporations or bodies politic in law, every such officer, member or person, and every other person or persons aiding and abetting, or being in any way accessory to such embezzlement or converting, shall, upon conviction thereof in any court of competent jurisdiction within this commonwealth, be adjudged guilty of a misdemeanor, and shall be sentenced to pay a fine equal to double the amount of money and double the value of property embezzled or converted as aforesaid, and also to undergo an imprisonment in the county prison for a term not exceeding two years, at the discretion of court before whom he or they were tried.

SECTION 9. That the court of common pleas of Susquehanna county shall have jurisdiction of an application for a divorce, on the petition of William F. Rhodes, in the usual form, praying for a divorce from his wife S-san, notwithstanding the cause of divorce which may be alleged in said petition occurred in the state of New York.

SECTION 10. That the owner or owners of property and other person or persons residing or being on and near Hickory run, in Carbon county, who claim to be injured by the breach of a dam or dams imperfectly constructed on the upper part of said stream, whereby a great and unusual flood passed down the said stream, to the injury of the persons and real and personal estate of those dwelling on and near the lower portion of the said stream, shall have the right to institute their action or actions for such alleged injury in the county where the injury was committed, and cause the process or processes to be served upon the person or persons alleged to be responsible for such injuries, wherever found by the sheriff of said county.

SECTION 11. That the provisions of the second section of the act, entitled "An Act supplementary to an act, entitled 'An Act to incorporate the borough of West Philadelphia,' approved the seventeenth day of February, A. D. one thousand eight hundred and forty-four; and relative to party walls; and to authorize the Kensington gas company to increase their capital," approved the fifth day of April, A. D. one thousand eight hundred and forty-nine, shall not be construed to apply to lots on which frame houses are now erected, or may be erected previous to the application to lay such party walls, or to allow any person to enter upon the side of lots reserved as alley ways, on which lots houses have been erected.

tution in behalf of their minor children.

Number of shares not to exceed 500.

In the investing of the funds of said associations, preference to be given, &c.

Embezzlement, how punished.

Jurisdiction in the application of Wm. F. Rhodes, for a divorce, given to the court of common pleas of Susquehanna county.

Proceedings for damages done to persons by the flood on Hickory run, Carbon county.

West Philadelphia, relative to party walls in.

Register of wills in Bedford county, authorized to admit to probate, &c., the will of Philip Crow, deceased.

SECTION 12. That the register of wills in and for the county of Bedford, be and he is hereby fully authorized and directed to admit to probate and record the last will and testament of Philip Crow, late of Southampton township, in said county, now deceased, bearing date the fifth day of May, A. D., one thousand eight hundred and seventeen, and proved before the register of said county on the twenty-sixth day of August, A. D., one thousand eight hundred and forty-four, by the oath of John Boor, one of the subscribing witnesses thereto; and the said will so proved and recorded, shall have as full force and virtue as if the same had been established by the oaths of both subscribing witnesses, and proved in other respects as is required by existing laws of this commonwealth: *Provided*, That this act shall in no way affect the validity of judgments or priority of liens against said Philip Crow, now deceased, or against any of the legatees in said will named, entered since his death.

Isaiah P. Fidler and Joseph P. Loughhead, made trustees of the heirs and descendants of Dr. Joseph Pfeiffer, deceased.

SECTION 13. That Isaiah P. Fidler and Joseph P. Loughhead of Philadelphia county, are hereby made trustees for the heirs and descendants of Dr. Joseph Pfeiffer, deceased, for the purposes hereinafter named, to wit: to sell a certain lot or piece of ground at public or private sale, and make a good and sufficient deed and title for the same; the said lot being situate in Delaware Fourth street, in the district of the Northern Liberties, and county of Philadelphia, on the east side of the said Fourth street above Poplar, which said lot is the same which the said Dr. Joseph Pfeiffer, by his will dated the twenty-second day of December, A. D., one thousand eight hundred and three, left to his said heirs and descendants as a place of burial or interment.

Powers.

Purchase lot for family sepulchre, &c.

SECTION 14. *And be it further enacted*, That the said Isaiah P. Fidler and Joseph P. Loughhead are hereby empowered and enjoined to use the proceeds of the sale of said lot in the purchase of a lot suitable for family sepulchre in some cemetery in the near neighborhood of the city of Philadelphia, which said last mentioned lot shall be substituted for and used in place of the said first mentioned lot hereby authorized to be sold; and all rights and privileges which any person now has in the said first mentioned lot, shall be transferred and vested in the said last mentioned lot to be purchased as aforesaid, by the said Isaiah P. Fidler and Joseph P. Loughhead; and the said Isaiah P. Fidler and Joseph P. Loughhead are hereby authorized and empowered to do every thing needful for the accomplishment and fulfilment of this trust: *Provided*, That before the said Isaiah P. Fidler and Joseph P. Loughhead enter upon the said trust, that they the said Isaiah P. Fidler and Joseph P. Loughhead, each give a separate bond in the sum of five hundred dollars, with sufficient surety, to be approved by the court of common pleas of Philadelphia county, for the faithful performance of the said trust; which said bond shall be filed with the prothonotary of the court of common pleas of said county: *And further provided*, That in case of any vacancy in said trust by reason of the death or refusal to accept the said trust, by the said Isaiah P. Fidler and Joseph P. Loughhead, or either of them, the said court of common pleas of Philadelphia county shall have power to fill such vacancy or vacancies by the appointment of a competent person or persons who shall carry out the purposes hereinbefore set forth: *And further provided*, That the said Isaiah P. Fidler and Joseph P. Loughhead shall not receive more than five per cent. each, on the amount of the sale of the said lot, for their services in performing the purposes of the trust aforesaid.

Further powers.

Commissioners of Moyamensing to introduce gas into said district, &c.

SECTION 15. That the board of commissioners of the district of Moyamensing, shall have full power and authority in pursuance of any contract now or hereafter to be entered into with the mayor, aldermen

and citizens of Philadelphia, or with any gas company now or hereafter to be incorporated within the limits of the city or county of Philadelphia, to introduce gas into the said district of Moyamensing, and the several streets, roads, courts, lanes and alleys thereof, for the better lighting and watching of said district, and for the purpose of supplying gas for private consumption to the inhabitants thereof, and to enact all needful and necessary ordinances for accomplishing these purposes, and fixing, regulating and collecting the rates of gas supplied by the authority of said board to private consumers.

SECTION 16. The property fronting on any such street, road, court, lane or alley shall be taxed and liable for all the expenses that may be incurred for laying the gas pipes, in proportion to its extent in front; and also shall be subject thereafter to all such taxes or assessments that may be laid from time to time, for keeping up the necessary supply of gas, and the expenses attendant thereon; and in making such assessments, the same allowance or deduction shall be made for corner lots, which are now made in assessing the expenses in conduit in said district; and all such assessments shall be a lien against such property as may be so assessed, and charged therewith, until paid, and shall be collected in the manner now prescribed by law for collecting debts of a similar character, due to the said district for work done and materials furnished by them.

SECTION 17. That Smith Jackson, Thomas H. Sill and Giles Sanford be and they hereby are discharged from all accountability to the commonwealth for and by reason of the bonds executed by them jointly and severally, as security for George Moore, treasurer of the county of Erie, for the years one thousand eight hundred and thirty-two, one thousand eight hundred and thirty-three, and one thousand eight hundred and thirty-four.

SECTION 18. That the commissioners of the State Lunatic hospital be and they are hereby authorized and empowered to enter in and upon any lands or grounds situate and lying between the line of the borough of Harrisburg and the State Lunatic hospital, to dig ditches, and lay pipe for the introduction of gas light from the Harrisburg gas works to said hospital, if, in their opinion, it be deemed expedient; doing as little injury to private property as the nature of the case will admit, and making compensation for any damages which may accrue thereon, if any.

SECTION 19. That in all suits which may hereafter be instituted in any court of this commonwealth, in which the sheriff of any county may be a party, when there is no coroner in commission to serve process, it shall be lawful for any constable in the county where the process has been issued, to serve the same, and perform the duties in relation thereto which coroners are authorized to do under the laws of this commonwealth.

SECTION 20. That the true intent and meaning of the act of assembly to secure the rights of married women, passed the eleventh day of April, A. D. one thousand eight hundred and forty-eight, is and hereafter shall be that the real estate of any married woman in this commonwealth shall not be subject to execution for any debt against her husband, on account of any interest he may have, or may have had, therein, as tenant by the courtesy; but the same shall be exempt from levy and sale for such debt, during the life of the said wife.

SECTION 21. That from and after the passage of this act, whenever a deed or other instrument of writing conveying real estate shall be made, wherein shall be contained a reservation of ground rent to become perpetual upon the failure of the purchaser to comply with the conditions

Property fronting on such streets, roads, &c., liable for expenses incurred for laying the gas pipes.

Sureties of George Moore, treasurer of Erie county, discharged from accountability.

Commissioners of the State Lunatic hospital authorized to enter upon lands, &c., for the purpose of introducing gas light in said hospital.

Additional powers granted to constables.

Real estate of married women not to be subject to execution for debts against their husbands.

Ground rent, when and how it may be discharged.

therein contained, no such covenant or condition shall be so construed as to make the said ground rent a perpetual incumbrance upon the said real estate; but it shall and may be lawful for the purchaser thereof, at any time after the said ground rent shall have fallen due, to pay the full amount of the same, and such payment shall be a complete discharge of such real estate from the incumbrance aforesaid.

Foreign insurance companies, construction of certain act relative to.

SECTION 22. That the fifth, sixth, seventh, eighth, ninth, tenth and eleventh sections of an act to authorize Amanda M. Richmond, of M'Kean county, the trustees of the church of God in Fredericksburg, Lebanon county, and Thomas Heyl, Jr., guardian, to sell certain real estate; empowering William H. Holstein, guardian, to draw and appropriate certain moneys; in relation to insurance companies, and the agencies of insurance companies not chartered by this state; and to liens in Lycoming and Clinton counties, shall be construed to apply only to agencies of foreign insurance companies or associations, except so much of the seventh section as refers to the service of legal process on agents of insurance companies incorporated by this commonwealth; and every person offending against the provisions of the said sections of the act aforesaid, shall forfeit and pay the sum of five hundred dollars for every such offence, for the use of the commonwealth; and it shall be the duty of the treasurer of the proper county to prosecute to conviction any person so offending.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 343.

AN ACT

To authorize the minister, church wardens and vestrymen of the Episcopal church of Saint Paul's, in the city of Philadelphia, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the minister, church wardens and vestrymen of the Episcopal church of Saint Paul's, in the city of Philadelphia, be and they are hereby authorized and empowered to sell by public or private sale, and convey by deed or deeds, in fee simple, to the purchaser or purchasers, a certain brick house and lot of ground on which the same is erected, with the appurtenances thereunto belonging, situate on the south side of Pear

street, between the second and third streets from Delaware, in the city of Philadelphia, containing in breadth on Pear street aforesaid, seventeen feet six inches; in length or depth, fifty-two feet; bounded on the east by ground late of Samuel Powell, deceased, on the south by ground belonging to Saint Paul's church, on the west by ground now or late of David Evans, and on the north by Pear street aforesaid: *Provided*, That before the minister, church wardens and vestrymen shall make and deliver a deed for the said real estate, to the purchaser or purchasers thereof, the wardens shall first give security, by bond or recognizance to the commonwealth, in such manner and amount as the court of common pleas of Philadelphia county shall approve, for the faithful application of the proceeds of the sale of said real estate, according to the provisions of the trust.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 344.

A SUPPLEMENT

To the act incorporating the Mercantile insurance company of Philadelphia, approved April ninth, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the members of the Mercantile mutual insurance company of Philadelphia, shall on the first Monday in May, in the year of our Lord, one thousand eight hundred and fifty, elect thirty directors of the said company, of whom one-third shall be designated and be elected to serve for three years, one-third for two years, and one-third for one year, and on the first Monday in May annually thereafter, the said members shall elect ten directors to serve for the term of three years, or until their successors shall be duly elected, so that one-third of the said board of directors shall be annually elected; and in case of failure to elect upon the day herein appointed for such annual election, the election shall be held as soon as practicable thereafter, at such time and upon such notice, not less than ten days, as the board of directors may appoint, and the directors so elected shall serve for the same period as if elected on the said first Monday in May.

SECTION 2. Eight directors, whereof the president shall be one, shall constitute a quorum of the board of directors.

SECTION 3. That so much of the fifth and eighth sections of the act to which this is a supplement, passed on the ninth day of April, Anno Domini, one thousand eight hundred and forty-nine, as is hereby altered or supplied, be and the same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 345.

A N A C T

For the erection of a house for the support of the poor in the county of Mifflin; authorizing the overseers of the poor of Lycoming county to sell certain property belonging to Walter Potts, an insane pauper; relative to the boundary line between the states of Pennsylvania and Delaware; to elections in Philadelphia county; and to holding courts in Juniata county, and to taking excessive interest from the Bank of Lewistown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel W. Taylor, Isaiah Coplan, Samuel Barr, James Creswell and David Jenkins, all of the county of Mifflin, be and are hereby appointed commissioners whose duty it shall be, or a majority of them, on or before the first day of August, Anno Domini, one thousand eight hundred and fifty, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Mifflin county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor, in the name and for the use of the corporation mentioned in the third section of this act, and they shall certify their proceedings therein under their hands and seals to the clerk of the court of quarter sessions of the county of Mifflin, to be filed in his office; and at the next general election the qualified electors of Mifflin county, shall elect three reputable citizens of said county to be directors of the poor and of the house of employment for the county of Mifflin for the ensuing year, in the following manner, to wit: the townships of Armagh, Brown, Union and Meno shall elect one person who shall serve three years; the townships of Wayne, Oliver, Granville, Derry, Decatur, the borough of M'Veytown and the borough of New-ton Hamilton, shall elect one person who shall serve for two years, and the borough of Lewistown shall elect one person who shall serve one year, and annually thereafter, one person shall be elected to serve for three years, said election to take place in the district where a vacancy

Commissioners.

Election of directors of the poor.

shall occur by the expiration of the term of office; and the judges of the election of said county shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals the names of the persons so elected directors, to the clerk of the court of quarter sessions of said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their being elected; and said directors shall meet at the court house in Lewistown, on the first Monday of November next ensuing their election, to transact business.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall within ten days after he is notified of such election or appointment, and before he enters upon the duties of the said office, take an oath or affirmation which shall be filed in the office of the clerk of the court of quarter sessions, which any justice of the peace of said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county, truly, faithfully and impartially to the best of his knowledge and ability; and in case of neglect or refusal to take the oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being, as debts are or shall be by law recoverable; and the directors qualified as aforesaid, are hereby authorized to administer an oath or affirmation in any case when it shall be necessary, in relation to the duties of their office. Take oath.

SECTION 3. The said directors shall forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Mifflin, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The directors of the poor and of the house of employment for the county of Mifflin," and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars; and any goods and chattels whatsoever, of gift, alienation or bequest of any person or persons whatsoever; to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond with full and sufficient surety for the faithful discharge of the duties of his office; and at the expiration thereof, for the payment and delivery over to his successors in office, all moneys, bonds, notes, book accounts, and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ, and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house, and to have not less than three months' schooling in each and every year; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied; and Incorporate.
Style.
Powers.
Hold lands.
Treasurer to give bond.
Bind out apprentices.
Age.

the said directors are hereby empowered to use one common seal in all business relating to said corporation, and at their pleasure to alter and renew the same.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the necessary building or buildings, and furnishing the same, and maintaining the poor within the said county for one year; whereupon the county commissioners of the said county shall and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments with interest out of the county taxes: *Provided always,* That not more than one-fourth of the whole amount of the sum necessary for the purpose aforesaid, shall be added to the county tax annually thereafter to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Estimate of expense to be made out by the directors.

Increase of county tax.

Annual estimate of expenses.

SECTION 5. It shall be the duty of the said directors, on or before the first day of November in each and every year after the poor house shall have been completed, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall at least once in every year render an account of all moneys by them received and expended to the auditors elected to audit and settle the county accounts, subject to the same penalties, and rules, and regulations as are by law directed respecting the accounts of the county commissioners; and shall at least once in every year lay before the court of quarter sessions and grand jury of said county, a list of the number, age and sex of the persons maintained and employed in the house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the name of their masters or mistresses, and their trade, occupation or calling; and shall at all times, when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interest and moneys payable and receivable by the said corporation: and also an account of all sales, purchases, donations, devises, and bequests as shall have been made by or to them: *Provided,* That no director shall sell or dispose of any article or articles to the said poor house during the time he shall serve as director thereof, nor be a contractor for erecting buildings.

Notice to be given to the overseers of the poor of the several townships, to bring the poor.

SECTION 6. As soon as the said building shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers of the several boroughs and townships of the said county of Mifflin, requiring them forthwith to bring the poor of their respective boroughs and townships to said house of employment; which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or any other sufficient cause, any poor person cannot be removed; in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time issue an order,

under his hand and seal, to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors, at a reasonable allowance.

SECTION 7. The said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Mifflin, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Mifflin, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Mifflin.

Persons entitled to relief.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law, or any of the laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas for the time being of the county of Mifflin, and shall have received the approbation of the same.

Ordinances, rules, &c.

SECTION 9. The said directors, or either of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors, touching and relating to said settlements, the said directors may withhold all further relief from such poor person or persons, until he or she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the powers hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

Relative to settlements.

SECTION 10. A quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every month, and visit the apartments and see that the poor are comfortably supported; and hear all complaints, and redress or cause to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

Monthly meeting of directors.

SECTION 11. In case of any vacancy by death, resignation or otherwise, of any of said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of the district in which such vacancy may occur, under the same penalty as is provided by the second section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

Vacancies, how filled.

SECTION 12. The said directors shall each of them receive for their services, annually, the sum of twenty dollars, to defray the expenses of the necessary attendance on the duties of their office.

SECTION 13. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several boroughs and townships in the county of Mifflin, shall be paid over to the treasurer of the poor house, to be applied to the maintenance and support of the poor; and as soon as the poor of the county of Mifflin shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

SECTION 14. The powers conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the poor, in the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Mifflin; and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act, for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors within the time and in the manner aforesaid; and for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

SECTION 15. The commissioners of said county are hereby authorized and empowered to pay to the directors a reasonable compensation for their services during the term they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not, including the annual sum allowed them by this act, exceed fifty dollars in any one year.

SECTION 16. So much of the laws of this commonwealth relating to the poor, as are by this act altered or supplied, be and the same are hereby repealed, so far as they affect the county of Mifflin.

SECTION 17. That the sheriff of the said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be as near the centre of the county as possible.

SECTION 18. It is hereby enjoined and made the duty of the sheriff of the county of Mifflin, to cause this act to be published in all the papers in Mifflin county, for three successive weeks immediately after its passage.

SECTION 19. The poor house farm now owned by the borough of Lewistown shall be sold by the burgess and town council of said borough, as soon after the erection of the county poor house as the same can be conveniently done; and upon the contract for the sale being approved by a resolution of the burgess and town council, the chief burgess is hereby authorized and required to make a deed to the purchaser thereof, attested by the corporate seal of said borough; and the proceeds arising from the sale of said farm, and the personal property belonging

Prior claims not to be affected by this act

Provision of certain act relative to the collector of fines, &c., conferred on the supervisors of highways of Mifflin county.

Commissioners of said county authorized to pay the directors reasonable compensation.

Repeal.

Sheriff to give notice.

Further duties of sheriff.

Poor house farm, owned by the borough of Lewistown, for sale of.

to the same, shall be paid into the borough treasury, for the general purposes of said borough.

SECTION 20. That it shall be lawful hereafter for any person or persons to institute and prosecute suit or suits, in the name of the Bank of Lewistown, for the use of the person or persons thus bringing such suit or suits, against any person or persons who have hitherto taken excessive interest from said bank; and if any recovery shall be had in any such suit or suits, such money shall be to the sole use of the person or persons prosecuting such suit or suits.

SECTION 21. That it shall be lawful for the overseers of the poor of the township of Lycoming, in the county of Lycoming, to grant, bargain and sell, at public sale, any part or the whole of any lands, tenements or hereditaments owned by, or in which Walter Potts, an insane pauper on said township, has any title or interest; and to make, execute and deliver to any purchaser of the said real estate, his heirs and assigns, a deed or deeds for the same, granting and conveying all the estate, right, title and interest, property, claim and demand of the said Walter Potts, of, into or out of such real estate, in the commonwealth: *Provided nevertheless*, That before making any such sale, the overseers of the poor aforesaid shall make application, in writing, to the court of common pleas of the county in which such real estate is situated, for an order to sell the same, and shall give security to be approved by the court, for the faithful appropriation of the money received by them, arising out of any sale to be made; which application and order of the said court, and return of sale, shall be entered of record in the office for recording deeds in and for said county, in case the said court shall approve of and confirm said sale.

SECTION 22. WHEREAS, The boundary line between the states of Pennsylvania and Delaware has never been surveyed and *marked* since the separation of the three low-land counties now forming the state of Delaware, from the province of Pennsylvania; all knowledge of its location up to the present time being dependent entirely upon vague and conflicting traditions:

And whereas, This uncertainty of the exact location of the line is a source of great inconvenience and loss, as well to the public as to individuals owning lands upon or near the same; creating difficulties in the assessment and collection of taxes, and rendering titles derived from judicial proceedings unsafe; throwing obstacles in the way of the purchase and sale of real estate, and the loaning and borrowing of money thereon; and by these means retarding the improvement of lands in the vicinity of the said boundary; therefore,

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be and he is hereby authorized and empowered to appoint a commissioner to act in conjunction with a commissioner appointed, or to be appointed by the state of Delaware, with power to survey and determine the said line, from the point of junction of the boundary lines of the states of Pennsylvania, Delaware and Maryland, to the river Delaware, and to fix suitable marks or monuments of stone or iron thereupon; the first monument to be set up and fixed at the distance of twelve English statute miles, measured horizontally, from the centre of the circle forming the said boundary line, and at the distance of one-quarter of a mile from the stone set up and fixed by Mason and Dixon, in the year seventeen hundred and sixty-five, at the point of junction aforesaid; and which point of junction was re-marked with a new stone by the commissioners of the state of Pennsylvania, Delaware, and Maryland, relative to.

Overseers of the poor of Lycoming county authorized to sell certain real estate owned by Walter Potts, an insane pauper.

Preamble.

Governor of this commonwealth authorized to appoint a commissioner to act in conjunction with a similar commissioner from the state of Delaware, to survey and determine the point of intersection of the boundary lines between said states.

ware and Maryland, in the year one thousand eight hundred and forty-nine; and the remaining monuments to be set up and fixed at the distance of twelve English statute miles, measured horizontally, from the centre of the circle aforesaid, and one-quarter of a mile apart, upon the curved line thus produced and ascertained, if the same can be conveniently placed, or at such other points and distances apart, upon the curved line aforesaid, as they may deem most proper, whereby the line of boundary between the said states may be hereafter indicated; and when the line of boundary so surveyed and marked shall have been approved on the part of the state of Pennsylvania, by the governor and a majority of the senate thereof, and on the part of the state of Delaware, in such manner as shall be determined by the legislature thereof, then the said line of boundary so surveyed, produced, ascertained and marked, shall forever thereafter be deemed and taken to be the dividing line of boundary between the states of Pennsylvania and Delaware.

Relative to lands supposed to be in the state of Delaware, but which may be found by said survey to be in the state of Pennsylvania.

SECTION 23. That it shall be lawful for any person or persons, body politic and corporate, his, her or their agent or attorney, who may own or have any interest in or claim to, upon or against any lands and tenements heretofore supposed to lie and be within the limits of the state of Delaware, and which shall be found by the survey and confirmation thereof authorized in the preceding section of this act, to lie and be within the limits of the state of Pennsylvania, at any time within three years from and after the confirmation of said survey and report, as provided in the first section of this act, to procure copies duly certified and authenticated according to the laws of the state of Delaware, of all deeds, conveyances, assurances, agreements, or other instruments of writing, affecting or in anywise relating to any of said lands and tenements or the titles thereof, and which shall have been duly recorded in the proper office for recording like papers or instruments within the county of New Castle, in the state of Delaware, and have the same recorded in the office for the recording of deeds in the county within this state in which the same shall be found as aforesaid to lie and be situate; and it is hereby made the duty of the recorder of deeds of said last mentioned county or counties, to receive and record the same on the payment of the usual fees for like services; and when so recorded the same shall have the like force and efficacy, validity and effect as if the same had been originally therein recorded, at the time the same were recorded in the state of Delaware; and copies duly certified and authenticated of such records so made within this state, shall be evidence in all cases and for all purposes for which the original papers or instruments, or copies of the original record thereof would be evidence in this state, and as if such record hereby authorized had been made from the original papers themselves.

Certified copies of mortgages, judgments, &c., in the county of New Castle, may be transferred, &c.

SECTION 24. That copies certified and authenticated in the manner required in the preceding section, of all mortgages, judgments, recognizances, or other liens or debts of record which shall be outstanding and subsisting at the time of such transfer in the county of New Castle, in the state of Delaware, and binding or affecting any of lands and tenements hereinbefore mentioned, had the same been within the limits of the said state, may be transferred to and recorded, or entered of record, in the proper office in any county in this state within which such lands and tenements shall be found to lie, by the proper officer on any party in interest, his, her or their agent or attorney, presenting the same for record or entry within three years from and after the confirmation of said survey and report, as prescribed in the first section of this act, and on payment of the fees allowed by law for similar services; the proper officer to whom they are so offered for entry or record shall enter and

record the same, and such entry or record when so made shall relate back to the date of their original entry, and be of the like force and effect as if originally made in said county in this state; and copies thereof shall be evidence in the same manner and under the same restrictions as are mentioned and prescribed in the preceding section of this act.

SECTION 25. That all titles to lands along said line at any time heretofore sold under execution, issued out of any of the courts of the state of Delaware, or upon proceedings in partition in any of the said courts, or by virtue of any order or orders of any of the said courts, which lands shall be found to lie and be within the limits of the state of Pennsylvania, shall be deemed and taken to be good and valid to all intents and purposes, as if the said lands had been found to lie within the limits of the state of Delaware.

Titles to lands deemed and taken to be good, &c.

SECTION 26. Upon the concurrence of the state of Delaware with the provisions of this act, it shall be lawful for the parties in interest to proceed, and prosecute, and bring to a final determination any suit or other proceeding now pending and unfinished in any of the courts of the county of New Castle, in the state of Delaware, affecting or concerning any of the aforesaid lands and tenements; and a copy or copies duly authenticated of the record of such suit or proceeding when determined and finished, shall and may in like manner be placed on record in the proper court of the county in which such lands and tenements are found to lie, and be located, and with like effect, as though such suit or proceeding were had and prosecuted in the respective courts of the proper county in this commonwealth; and the courts of the proper county are hereby authorized to aid and give effect to such pending suit or proceeding by any process, order, decree or proceeding necessary to carry out the design and intent of this act; and the courts and officers having charge of records of this commonwealth, are hereby authorized and required in like manner as is hereby provided in the case of lands found to lie within the limits of this state, to finish and determine all suits and proceedings therein, and to make, authenticate and furnish to the parties in interest, a copy or copies of all such records and proceedings relating to or affecting lands that may found to lie within the limits of the state of Delaware, upon the payment of the fees and costs usual in such cases: *Provided*, That in either case the suits and proceedings aforesaid, shall be conducted and determined in accordance with the laws of the state in which the same were instituted and are now pending.

Unfinished suits and proceedings in the several courts, relative to.

SECTION 27. That the governor of this commonwealth be and he is authorized and requested to procure from the proper authorities of the state of Maryland, authenticated and certified copies of all original official documents now being in the archives of said state, relating to the original settlement of the boundaries between the then provinces of Pennsylvania and Maryland, excepting in cases wherein the original counterparts of any of said documents are now to be found in the archives of this commonwealth; and to cause the same, together with the report and accompanying documents and maps of the commissioner hereby authorized, and the report and accompanying documents and maps of the commissioner appointed pursuant to the fourteenth section of the act of the tenth of April, Anno Domini, one thousand eight hundred and forty-nine, entitled "A supplement to an act, entitled 'An Act relative to the organization of the courts of justice,' passed the fourteenth day of April, one thousand eight hundred and thirty-four," to be deposited among the archives of this state, in the office of the secretary of the commonwealth; and the sum of fifteen thousand dollars, or so

Governor authorized to procure from the state of Maryland, certified copies of all original official accounts, &c.

much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the expenses of carrying out the provisions of this act, the accounts being first audited and adjusted by the auditor general and state treasurer, in the manner directed in like cases by existing laws.

Election of collector of state and county taxes in the county of Philadelphia, relative to.

SECTION 28. That the qualified electors of the several wards and townships in the county of Philadelphia, shall, at their next ward and township elections, and annually thereafter, at the ward elections, elect a collector of state and county taxes; and the person so elected shall be a resident of the ward for which he is elected: *Provided*, Said collectors elected as aforesaid, shall give security to be approved by the county commissioners, and that all vacancies shall be filled as now directed by law.

Courts in Juniata county, to be holden on first Monday in September.

SECTION 29. That the several courts of September term in and for the county of Juniata, shall hereafter be holden on the first Monday of September; and all acts or parts of acts inconsistent herewith, are hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 346.

AN ACT

For the erection of a poor house in Wayne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William H. Dimmick, Buckley Beardslee, Gaylord Russell, Amory Prescott, Daniel Blanden, William F. Wood, Phineas Arnold, John Kelly, R. L. Seely, Samuel E. Dimmick, Russell F. Lord, Thomas H. R. Tracy, Theodore Groves, Ruel Hoadley, Zenos H. Russell and Josiah Cole, all of Wayne county, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini, one thousand eight hundred and fifty-one, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Wayne county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor in the name and for the use of the corporation mentioned in the third section of this act; and they shall

Commissioners.

Duties.

certify their proceedings therein under their hands and seals to the clerk of the court of quarter sessions of the county of Wayne, to be filed in his office; and at the next general election, the qualified electors of Wayne county shall elect three reputable citizens of said county, to be directors of the poor and of the house of employment for the county of Wayne, for the ensuing year; and the judges of the election of said county shall immediately, on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals the names of the persons so elected directors, to the clerk of the court of quarter sessions of said county, who shall file the said certificate in his office, and forthwith give notice, in writing, to the said directors of their being elected; and the said director who shall receive the highest number of votes, shall serve three years; and the said director who shall receive the second highest number of votes, shall serve two years; and the said director having the next highest number of votes, shall serve but one year; so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third shall be chosen annually; and the said directors shall meet at the court house to transact business on the first Monday of November ensuing their election.

Term of service.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall, within ten days after he is notified of such election or appointment, and before he enters upon the duties of the said office, take an oath or affirmation, which shall be filed in the office of the clerk of the court of quarter sessions, which any justice of the peace of said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being, as debts are or shall be by law recoverable; and the directors qualified as aforesaid, are hereby authorized to administer an oath or affirmation in any case when it shall be necessary, in relation to the duties of their office.

Take oath.

SECTION 3. The said directors shall forever hereafter, in the name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Wayne, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The directors of the poor and of the house of employment for the county of Wayne;" and by that name shall and may receive, take, and hold, any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattles whatsoever, of gift, alienation or bequest, of any person or persons whatsoever; to purchase, take, and hold, any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond with full and sufficient surety, for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successor in office, all moneys, bonds, notes, book accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ, and at

Incorporate.

Style.

Privileges.

Powers of directors.

Bind out apprentices, &c.

pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices so that such apprenticeship may expire, if males, at or before the age of twenty-one, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house, and to have not less than three months schooling in each and every year; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to said corporation, and at their pleasure to alter and renew the same.

Increase of county tax.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the necessary building or buildings and furnishing the same, and maintaining the poor within the said county for one year, whereupon the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments with interest, out of the county taxes: *Provided always*, That not more than one-fourth of the whole amount of the sum necessary for the purpose aforesaid, shall be added to the county tax annually thereafter to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Annual estimate of expenses.

SECTION 5. It shall be the duty of the said directors, on or before the first day of November in each and every year after the poor house shall have been completed, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended to the auditors appointed to audit and settle the county accounts, subject to the same penalties, and rules and regulations as are by law directed respecting the accounts of the county commissioners; and shall, at least once in every year, lay before the court of quarter sessions and grand jury of said county, a list of the number, age and sex of the persons maintained and employed in the house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the name of their masters or mistresses, and their trade, occupation or calling; and shall at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interest and moneys payable and receivable by the said corporation; and also, an account of all sales, purchases, donation, *devices* and bequests as shall have been made by or to them.

Notice to be

given to the overseers of the seve-

SECTION 6. As soon as the said building shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent signed by any two of the said directors, to the overseers

of the several townships of the said county of Wayne, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or any other sufficient cause, any poor person cannot be removed; in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

SECTION 7. The said directors shall from time to time receive, provide for and employ according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Wayne, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Wayne, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Wayne.

Who entitled to relief.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law or any of the laws of this state, or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas for the time being of the county of Wayne, and shall have received the approbation of the same.

Rules and regulations.

SECTION 9. The said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors, touching and relating to said settlements, the said directors may withhold all further relief from such poor person or persons, until he or she or they shall consent to take such oath or affirmation and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the powers hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

Further powers granted to directors.

SECTION 10. A quorum of said directors shall and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause

Monthly meeting.

to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

Vacancies, how filled.

SECTION 11. In case of any vacancy by death or resignation or otherwise, of any of said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the second section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

Pay of directors.

SECTION 12. The said directors shall each of them receive for their services the sum of one dollar per day, for each and every day actually employed, to defray the expense of their necessary attendance in the duties of their office.

Prior claims not to be affected by this act.

SECTION 13. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Wayne, shall be paid over to the treasurer of the poor house, to be applied to the maintenance and support of the poor; and as soon as the poor of the county of Wayne shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

Powers of certain overseers of the poor relative to the collection of fines, &c., conferred on the supervisors of highways, &c., in said county of Wayne.

SECTION 14. The powers conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the poor in the several townships within this commonwealth, to recover certain penalties and fines and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Wayne; and that the justices of the peace and sheriff within the said county are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act, for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors within the time and in the manner aforesaid; and for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

Repeal.

SECTION 15. So much of the laws of this commonwealth relating to the poor as are by this act altered or supplied, be and the same are hereby repealed, so far as they affect the county of Wayne.

Sheriff to give notice to said commissioners of their appointment

SECTION 16. That the sheriff of the said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be at the court house in Honesdale.

Publication of this act.

SECTION 17. It is hereby enjoined and made the duty of the sheriff of the county of Wayne, to cause this act to be published in all the papers of Wayne county, for three successive weeks immediately after its passage.

Election to be held for or against the erection of a poor house.

SECTION 18. For the purpose of ascertaining the sense of the citizens of Wayne county, as to the expediency of erecting a poor house, it shall be the duty of each of the inspectors of the several townships and boroughs at the next general election, to receive tickets either written or printed from qualified voters thereof, labelled upon the outside "poor house," and on the inside "for a poor house," or "against a

poor house;" and if it shall appear upon casting up the votes of the different districts at the court house on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect; but if a majority of votes are found to be against a poor house, the foregoing act to be and the same is hereby null and void.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 347.

AN ACT

Relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the provisions of the twenty fifth section of the act of assembly of March twenty-nine, one thousand eight hundred and thirty-two, entitled "An Act relating to orphans' courts," which requires executrixes in certain cases to give security, shall be construed to embrace all cases therein specified, whether there are minors concerned in the estate or not, and whether she is sole executrix or otherwise.

Construing act relating to orphans' court, relative to bail of executrixes.

SECTION 2. That in all cases of the partition or valuation of real estate in any of orphans' courts of this commonwealth, it shall be lawful for the said courts, upon the application of the widow or any of the heirs of the decedent, instead of the separate rules heretofore issued in such cases, to grant a rule upon the parties interested to appear, and accept or refuse the said real estate at the valuation, or show cause why the said real estate, or any part thereof, should not be sold, in case they or any of them should neglect or refuse to take and accept the same as aforesaid.

Rule upon parties to appear and accept real estate, in cases of partition in orphans' court.

SECTION 3. All orders of sale of real estate as aforesaid which have been heretofore made by the said courts, upon the application of the

Confirming sale of real estate by orphans' court, when order of sale was made at same time to which rule to accept was returnable.
 Proviso.

Construing act relating to orphans' court, and confirming titles acquired under proceedings in partition in case of lapsed or forfeited devise.

Proviso.

Extending 3d sect. of act of 13th April, 1840.

Colored convicts transferable to house of refuge.

Statute limitations not to extend to insolvent or suspended corporations.

widows or heirs of such decedents, and upon the neglect or refusal of the said heirs, upon due notice, to accept the same, are hereby made valid and effectual in law, notwithstanding the said orders of sale may have been made at the same term to which the rule upon the said parties to appear, and accept or refuse the said real estate, was made returnable: *Provided*, That nothing in this section contained shall affect any suit at law now actually commenced and pending, in which the title so granted and obtained under such proceedings in partition shall be involved, and in controversy between the parties originally interested in such partition, or any persons claiming title under them.

SECTION 4. That the true intent and meaning of the third section of the act passed the thirteenth of April, one thousand eight hundred and forty, entitled "A further supplement to an act, entitled 'An Act relating to orphans' courts,'" passed the twenty-ninth day of March, one thousand eight hundred and thirty-two, and the supplement thereto, passed the fourteenth of April, one thousand eight hundred and thirty-five, and for other purposes," is hereby declared to be that the title of persons to real property of decedents within this commonwealth, heretofore acquired under proceedings in partition in the orphans' courts, if such proceedings were in other respects regular, shall not be impaired, or in anywise defeated, or made void by or upon any other proceeding in any court of this commonwealth, by reason of such property, or any part thereof, having been devised by any such decedent to children or heirs generally, or to any one or more of them, or of other persons, if such devise to one or more had become lapsed, or had become forfeited for non-performance of any condition, or the devisee or devisees for any reason had refused to take or accept the same; but all such titles so acquired shall be considered and taken to be as valid and indefeasible as in cases of intestacy, unless the same have been invalidated by reversal of the decree or decrees awarding the same upon appeal duly taken and prosecuted: *Provided*, That in all such cases where the same has not already been done, and where the moneys have not yet been appropriated or paid, it shall be competent for the proper orphans' court, upon application made, to decree the payment of the amount of the valuation, or of the proceeds of sale, to such person or persons as are, according to the last will and testament of the decedent, entitled thereto in law or equity.

SECTION 5. That the provisions of the said third section of the act of April the thirteenth, one thousand eight hundred and forty, according to the meaning thereof, as declared by the first section of this act, shall extend to all cases which have heretofore arisen, and which may hereafter arise within this commonwealth.

SECTION 6. That it shall and may be lawful for the inspectors of the prisons of the county of Philadelphia, under the direction of the court of quarter sessions, to transfer and deliver to the managers of the Colored house of refuge of the city and county of Philadelphia, with their assent, any colored convicts, under the age of twenty-one, committed to said prison; and when so transferred, they shall be dealt with as other minors committed and delivered to the said managers.

SECTION 7. That the provisions of the act passed the 27th March, 1713, entitled "An Act for the limitation of actions," shall not hereafter extend to any suit against any corporation or body politic which may have suspended business, or made any transfer or assignment in trust for creditors, or who may have at the time and after the accruing of the cause of action, in any manner ceased from or suspended the ordinary business for which said corporation was created.

SECTION 8. That in all cases now pending, or hereafter to be brought in any court of record in this commonwealth, to enforce the payment of ground rent due and owing upon lands or tenements, held by virtue of any lease for life, or a term of years or in fee, the lessor, his heirs and assigns, shall have a full and complete remedy therefor by action of covenant against the lessee or lessees, his, her or their heirs, executors, administrators or assigns, whether the said premises out of which the rent issues be held by deed poll or otherwise.

Ground rent recoverable by actions of covenant.

SECTION 9. In all actions of partition that may hereafter be commenced in any court of this commonwealth, all the parties in interest shall be named in the writ, declaration and notices when known; but if it shall appear on oath or affirmation, that the names or residence of any of the parties are unknown to the plaintiff or plaintiffs in such action, the court shall have power to direct notice to be given to such parties by publication in one or more newspapers, describing the parties as far as practicable, as shall appear to the court reasonable and proper, and the proceedings shall be as effectual to all intents and purposes, as if all the parties had been named in the proceedings.

Actions of partition, parties when known shall be named.

How notice to unknown parties shall be given.

SECTION 10. In all cases of partition, either in the courts of common pleas or in the orphans' courts, the courts having jurisdiction thereof are empowered, wherever it shall appear advisable and proper, to cause the share or shares of the party or parties appearing in court to be allotted and assigned to them, and to permit the residue of the premises to remain for the person or persons entitled thereto, and subject to a future partition among them, if more than one person be so entitled.

Share of parties not appearing may remain subject to future partition.

SECTION 11. That whenever by the provisions of the act of assembly of this commonwealth, entitled "A supplement to an act, entitled 'An Act relative to the LeRaysville phalanx,' passed March, Anno Domini, one thousand eight hundred and forty-seven; and relative to obligors and obligees; to secure the rights of married women; in relation to defalcations; and to extend the boundaries of the borough of Ligonier, et cetera," passed the 11th day of April, A. D., 1848, the property of a married woman is secured to her, and she shall have no trustee of the same, it shall be lawful for any such married woman to apply to the court of common pleas of the county where she was domiciled at the time of her marriage, for the appointment of a trustee of the same, and such court shall thereupon appoint a trustee of the same, not being the husband of the said petitioner; and it shall further be lawful for any such married woman to declare a trust in regard to such property, or any part thereof, in favor of any of her children.

Married women may apply for appointment of trustee, (not her husband,) or may declare a trust.

SECTION 12. That so much of the first section of the act passed on the twentieth day of March, one thousand eight hundred and forty-five, entitled "An Act concerning bail and attachments," as pertains to appeals from the awards of arbitrators, shall from henceforth be construed to extend to all such appeals, whether made by persons natural or artificial.

Appeals from award of arbitrators of corporations.

SECTION 13. That the provisions of the act, entitled "An Act supplementary to the act relating to hawkers and pedlers, and regulating auctions in the county of Schuylkill," approved the 17th day of April, 1846, be and the same are hereby extended to the counties of Butler and Union.

Hawkers and pedlers in Butler and Union counties.

SECTION 14. That the fifth section of the act, entitled "An Act to provide for the reduction of the public debt," passed the 22d day of April, 1846, shall be so construed as to require the payment, by the defendant against whom a recovery of the forfeit therein named has been had, of all costs which have been incurred by the informer, in

Recovery of cost by informer, in prosecuting actions for forfeiture, under certain acts, &c.

Construing 59th sect. of act of 11th July, 1842, not to extend to lands lying in different townships.

Fees of county treasurer of Lycoming and Clinton counties.

Treasurer of Schuylkill county to receive and disburse all moneys belonging to the house for the employment of the poor.

Accounts of executors and administrators, and reports of auditors to be recorded.

Fees.

Accounts of assignees, trustees, sequestrators and committees, and auditors' reports, to be recorded by prothonotaries.

Fees.

No right of way by user through uninclosed woodland.

Debts owing by solvent debtors not taxable for

prosecuting the action for such forfeiture, as in actions of debt of like amount.

SECTION 15. That the fifty-ninth section of the act of 11 July, 1842, entitled "An Act regulating election districts, and for other purposes," shall not be construed to extend to lands lying in different townships, the mansion house of which is in an incorporated borough or city.

SECTION 16. That from and after the passage of this act, the fees to be received by the treasurers of Lycoming and Clinton counties, on the sale of lands for taxes, shall be the same that are now allowed by the twenty-fourth section of the act of the twenty-eighth of March, one thousand eight hundred and fourteen, entitled "An Act establishing a fee bill."

SECTION 17. That from and after the first day of January next, the treasurer of the county of Schuylkill shall, in addition to his other duties, receive all moneys belonging to the house for the employment and support of the poor in the county of Schuylkill, and shall disburse the same on orders drawn on him by a board of the directors of the poor of said house employment; and that so much of the third section of the act, entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Schuylkill," approved the 4th day of April, A. D. 1831, as authorizes the directors of said house of employment to appoint a treasurer, be and the same is hereby repealed.

SECTION 18. That from and after the passage of this act, the several clerks of the orphans' courts of the counties of this commonwealth are hereby authorized and required to place upon record, in a fair, legible hand, in a book or books to be provided for that purpose, all accounts of executors, administrators and guardians, as well as all reports of auditors appointed by the orphans' courts of the several counties of this commonwealth, omitting the testimony and documents accompanying the same; the fees for this service to be one half of the amount now allowed by law for the recording of deeds.

SECTION 19. It shall also hereafter be the duty of the prothonotaries of the various courts of common pleas and district courts of this commonwealth, to record, in a book or books to be procured for that purpose, all accounts of assignees, trustees, sequestrators and committees, and all reports of auditors thereon, omitting the evidence upon which such reports are based; and also all reports of distributions or appropriations made by the various sheriffs of the commonwealth, and filed in their offices respectively; for which services the said prothonotaries shall be allowed one-half the fees now allowed by law for similar services.

SECTION 20. That it shall be the duty of the secretary of the commonwealth to forward copies of the two preceding sections to the clerks of the orphans' courts of the several counties, as soon as practicable.

SECTION 21. *And be it further enacted, &c.,* That no right of way shall be hereafter acquired by user, where such way passes through uninclosed woodland; but on clearing such woodland, the owner or owners thereof shall be at liberty to enclose the same, as if no such way had been used through the same before such clearing or enclosure: *Provided,* That the provisions of this section shall in no way affect any suit or suits now pending in any of the courts of this commonwealth, in relation to any right of way or any other matter embraced in this section.

SECTION 22. That hereafter no law of this commonwealth, rendering moneys owing by solvent debtors liable to be assessed and taxed for any purpose, shall be construed and held to make the same liable to be

assessed and taxed for borough and township purposes; but the same shall be exempt from any charge, tax or assessment for any such purposes: *Provided*, That nothing in this act contained shall be held to apply to any case in which such taxes have been heretofore actually assessed and paid.

SECTION 23. *Be it enacted, &c.* That the warrants issued by the officers of the land office of Pennsylvania, in favor of persons having credits in the books of the receiver general, between the 22d September, 1794, and the 1st January, 1795, on which surveys have been made, returned and accepted in the land office, shall be as good and valid to pass the title of the commonwealth, and vest the same in the warrantee, his, her or their heirs and assigns, or other legal representatives, as the said titles would have been vested by said warrants and surveys if the act of the 22d September, 1794, had never been passed: *Provided*, That this section shall not affect, in any way, the right of any person claiming any part of said lands by actual settlement, or by being located according to law under any other warrant.

Land warrants issued between Sept. 22, 1794, and Jan. 1, 1795, made good and valid.

Proviso.

SECTION 24. That in all cases in which any coal or iron ore mines or minerals have been or shall be held by two or more persons, as tenants in common, and coal, iron ore or other mineral has been or shall be taken from the same, by any one or more of said tenants respectively, it shall be lawful for any one of said tenants in common, to apply by bill or petition in equity to the court of common pleas of the county in which the lands lie, praying that an account may be decreed and taken of all coal, iron ore or other mineral taken by said tenants respectively; and the said court shall thereupon proceed upon such bill or petition, agreeably to the course of a court of chancery, and shall have full power and authority to make all orders, appointments and decrees, interlocutory and final, that may appertain to justice and equity in the premises, and may cause to be ascertained the quantity and value of the coal, iron ore or other mineral so taken respectively by the respective parties, and the sum that may be justly and equitably due by and from and to them respectively therefor, according to the respective proportions and interests to which they may be respectively entitled in the lands: *Provided*, That all the tenants in common shall be made parties to such bill or petition, and that if any of them reside out of the county in which such lands lie, or out of this commonwealth, the court may make such order for serving process or notice upon them by publication or otherwise, as the said court shall deem fit and proper; and may take the bill or petition pro confesso, and proceed to final decree, or proceed by attachment and sequestration against such of them as shall fail to appear thereupon, or shall neglect or refuse to stand to obey and abide by the orders and decrees of said court.

Accounts of coal or iron mines held in common, may be decreed upon petition in equity.

Power of court to proceed to final judgment.

Proviso.

All the tenants to be made parties.

Where lands lie out of county, how notice to be given.

SECTION 25. *And be it further enacted*, That any party may appeal to the supreme court from any final decree made by any court of common pleas under this act: *Provided*, That such appeal be taken within one year after the rendering of such final decree, and that the party appealing, before taking his appeal, shall make and file an affidavit that the same is not intended for delay, and shall give such security to prosecute his appeal with effect as shall be required by the said court of common pleas, or the supreme court.

Appeal to supreme court allowed on first decree, if taken within one year. Make affidavit. Give security.

SECTION 26. That from and immediately after the passing of this act, all the powers and authorities conferred upon the supreme court and the several courts of common pleas, by the thirteenth section of the act relative to the jurisdiction and powers of the courts, passed the sixteenth day of June, one thousand eight hundred and thirty-six, relating to the "perpetuation of testimony," shall be and the same is hereby

Perpetuation of testimony in case of lost or destroyed deeds.

Effect of testimony.

extended and made applicable to the perpetuation of testimony in cases of lost or destroyed records of any of the courts of record in this commonwealth, whether such records were lost or destroyed before or after the passing of this act; and the same proceedings, orders, decrees and judgments shall be had therein, mutatis mutandis, as in cases now authorized by law, and with the like effect; and when proved, such record shall have the same legal operation as the original record would have had: *Provided*, That in all cases the application to perpetuate testimony shall be made in the same court in which the record may be lost or destroyed.

Prothonotaries to keep a partition docket.

SECTION 27. That from and after the passage of this act, it shall be the duty of the prothonotaries of the supreme court, and of the several district courts and courts of common pleas having jurisdiction in cases of partition, and they are hereby required to enter at length in a book to be procured for that purpose, to be called "the partition docket," all the proceedings in partition in every case in their respective courts from the commencement to the final judgment and decree thereon, and which shall be and the same is hereby made the record of said court; for which service such prothonotary shall be entitled to receive the same fees as the recorders of deeds receive for recording, to be taxed and paid as part of the costs of such proceedings.

Bail for stay of execution, not entitled to stay on judgment obtained against him as bail.

SECTION 28. That from and after the passage of this act, no defendant shall be entitled to stay of execution upon a judgment obtained against him as bail for stay of execution on any former judgment.

Oath to obtain writ of error may be made before prothonotary.

SECTION 29. That the oath or affirmation required to be made before obtaining a writ of error from the supreme court, or entering an appeal to said court, may be made; and the recognizances of bail in all such cases may be entered into before the prothonotary of the court to which such writ of error is directed, or the prothonotary or clerk of the court from whose decision the appeal is taken, with like power and effect as if the said oath or affirmation were made before a judge of such courts, or a justice of the peace, or the said recognizance taken before any such judge.

The word orphan in the 4th section of act of 1815, relative to sale of unseated lands, construed to mean minor.

SECTION 30. That the word orphan or orphans, in the fourth section of the act of 13th March, eighteen hundred and fifteen, relative to sale of unseated lands for taxes, shall hereafter be taken and construed to mean minor or minors; and any minor or minors who may have been heretofore deprived of the right of redeeming lands sold under the provisions of said act, by reason of the word orphan or orphans being used in said act instead of the word minor or minors, shall have the right to bring their suit or action for such lands, or to redeem the same at any time within two years after the passage of this act: *Provided*, That this provision shall not affect any adjudicated case.

One of several joint tenants, &c. &c., may pay proportionate part of taxes on unseated lands.

SECTION 31. That any joint tenant in common or coparcener of unseated lands in this commonwealth, shall have the right to pay his, her or their proportionate part of the amount of taxes due thereon at any time before the sale thereof by the county treasurer; and it shall be the duty of said treasurer to receive and receipt for the same; and he may sell the residue of the shares or interest in said lands on which the taxes remain unpaid, any law, usage, or custom heretofore to the contrary notwithstanding.

One of several joint tenants, &c. &c., may redeem proportionate part when and how.

SECTION 32. That when any unseated lands shall have been purchased by the county commissioners for the use of the county, any joint tenant, tenant in common, or coparcener of said land, shall have the right during the time now allowed to a sole owner to redeem his or her interest in a proportionate part of the same, upon paying the treasurer of the county his or her proportionate part of the taxes and cost

due thereon at the time of sale, and interest therefor for the same time ; and also, his or her proportionate part of the taxes which shall have been assessed thereon from year to year after the sale, and interest of each assessment, to be counted from the time it ought to have been paid ; and on the production of the treasurer's receipt, the commissioners shall, by endorsement under their hands and seals on the back of the treasurer's deed to them, convey to the person who has thus redeemed his or her interest in, or proportionate part of the lands, such share or interest as he or she shall have redeemed as aforesaid ; and the county commissioners may sell the residue of the shares or interest in said land not redeemed within five years, at public sale, and make a deed therefor to the purchaser, who shall hold and enjoy the same as tenant in common with the person who has redeemed his or her interest or share therein.

County commissioners to convey to the person who thus redeems said proportionate share.

SECTION 33. That the first and second sections of the act, entitled "An Act supplementary to acts relating to recording of deeds," approved March 9th, 1847, be and are hereby extended to and shall embrace all receipts given by the proper officers of any county of this commonwealth, for moneys paid for the redemption of unseated lands sold for taxes.

1st and 2d sections of act of 9th March, 1849, extended to receipts for the redemption of unseated lands.

SECTION 34. If any person shall at any time set fire to or attempt to set fire to any of the buildings or other property described in the tenth section of an act passed 16 April, 1849, entitled "An Act relating to lunatics and habitual drunkards ; for the more effectual punishment of the crime of arson ; and for other purposes," with intent to burn or destroy the same, or shall advise, assist or procure any person so to do, any person so offending shall be deemed guilty of a misdemeanor, and on conviction, be sentenced to hard labor in the penitentiary not more than five years ; and that the eleventh section of the said act is hereby repealed.

Misdemeanor for setting fire to certain property.

SECTION 35. That the limitation provided in the last paragraph of the first section of the act, entitled "An Act for limitations of actions," passed the 27th March, 1713, to which this section is supplementary, in relation to words spoken, shall be held to extend to all cases of slander or libel, whether spoken, written or printed.

Limitation of actions of slander and libel.

SECTION 36. That the provisions of the seventh section of the act of sixteenth April, one thousand eight hundred and forty-nine, entitled "A supplement to the act relating to lunatics and habitual drunkards ; to punish aldermen and justices of the peace for misdemeanors ; relating to arbitrations in the district court in the city and county of Philadelphia ; relative to deeds of assignment ; relative to judgment liens ; relating to limitation of actions ; and relating to liens and terre-tenants, and for the more effectual punishment of the crime of arson," be and the same are hereby extended to prosecutions for adultery, except where the defendant may have absconded and remained absent from the state, in which case such absence shall be deducted from the period of limitation.

Limitation of actions for adultery.

SECTION 37. That in all cases of the sale, conveyance, mortgage or transfer of any lands, tenements or hereditaments of any married woman, or of any interest of any married woman in any lands, tenements or hereditaments in this commonwealth, and in all cases of any power or powers of attorney to make and execute such sale, conveyance, mortgage or transfer made, or that may be made and executed by such married woman in any other of the United States, the acknowledgment or written consent of such married women, as required by the act relating to the rights of married women, or any other law of this commonwealth, may be taken or acknowledged by and before any judge of any court of record in such state ; and such acknowledgment so

Acknowledgment of deeds by married women.

made, or to be made, shall be as valid and effectual as if made by said married woman before a judge of a court of common pleas of this commonwealth.

Mechanics' lien,
authorizing ap-
portionment for
work done.

SECTION 38. That the several laws of this commonwealth authorizing an apportionment of the amount due for materials furnished to two or more buildings owned by the same person, among the said buildings, shall extend to and shall authorize in similar cases an apportionment for work done, and for work done and materials furnished, where the same are furnished under one contract, as fully and in the same manner as is now authorized and allowed in the case of materials furnished.

Suits for the re-
covery of the pro-
perty of married
women, shall be
for exclusive ben-
efit of said mar-
ried women.

SECTION 39. Any suit or suits at law hereafter to be commenced in any of the courts of this commonwealth, touching or concerning, or for the recovery of any property, real, personal or mixed, belonging or secured to any married woman by virtue of the provisions of the act relating to the rights of married women, passed the eleventh day of April, one thousand eight hundred and forty-eight, may be brought in the names of such married woman and her husband to the use of said married woman; and a recovery in such suit or suits shall be for the exclusive benefit of such married woman.

Courts of quarter
sessions to have
jurisdiction of
cases under act
for suppressing
gambling.

SECTION 40. That from and after the passage of this act, the appeal contemplated by the sixth section of the act of the sixteenth day of February, one thousand eight hundred and forty-seven, entitled "An Act for the suppressing of gambling," may be taken to the court of quarter sessions of the proper county, instead of to the court of common pleas as therein directed; and that all proceeding had under the provisions of said act, where an appeal has been taken, shall be as effectual and valid for all the intents and purposes of said act, as if the appeal had been therein first directed to be taken to the court of quarter sessions of the proper county.

Re-enacting 15th
and 16th sections
of act of 16th
April, 1840, in-
corporating
Methodist Epis-
copal congrega-
tion of Reading,
&c., relative to
acknowledgment
of deeds, &c.

SECTION 41. That the provisions contained in the fifteenth and sixteenth sections of the act of sixteenth April, one thousand eight hundred and forty, entitled, "An Act incorporating the Ebenezer Methodist Episcopal congregation of the borough of Reading, and for other purposes," be and the same are hereby enacted as fully and effectually as if the same were herein set forth in extenso.

Acknowledgment
of deeds, &c., in
other states.

SECTION 42. That any deed, conveyance, or other instrument of writing, of and concerning any lands, tenements, hereditaments, or any estate or interest therein, lying and being within this commonwealth, heretofore acknowledged or proved, or hereafter to be acknowledged or proved, before any judge of any court of record in any state or territory within these United States, and otherwise, according to the forms now provided by the laws of this state, relative to such acknowledgments or probates, and duly certified under the hand of the said judges, and the seal of the said court, shall be as valid, to all intents and purposes, and be in like manner entitled to be recorded, as if the same had been duly acknowledged or proved in conformity with the present law of this commonwealth.

Offices of asso-
ciate judge and
justice of the
peace incompati-
ble.

SECTION 43. That from and after the passage of this act, the office of associate judge and justice of the peace shall be incompatible with each other.

Orphans' court
may appoint
guardians for mi-
nors residing out
of this state in
certain cases.

SECTION 44. The orphans' court of each county in this commonwealth shall have power to appoint guardians of the estates of minors residing out of the commonwealth, in all cases where such minors are possessed of estates lying within the jurisdiction of said court, upon the petition of the minors, or any of their relatives or friends, or any person

interested in such estates, without requiring the said minors to appear in court to make choice of such guardians.

J. S. MCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

We do certify that the bill, entitled “An Act relating to the bail of executrixes; to partition in the orphans’ court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors’ reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth,” was presented to the governor on the twelfth day of April, one thousand eight hundred and fifty, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.

SAML. W. PEARSON,
Clerk of the Senate.

HARRISBURG, April 25, 1850.

No. 348.

AN ACT

To incorporate the Wyoming County mutual insurance company; relating to Liberty street, in the city of Philadelphia; giving jurisdiction to the court of common pleas in Tioga county, in a certain divorce case; and relating to paving in front of the prison in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Nicholas Overfield, Bradley Wakeman, Paul B. Jennings, Asa S. Dana, Sherman D. Phelps, Asa Keeler, Henry Roberts, S. H. Taylor, Milton Dana, Jabez Jenkins, John Fassett, R. R. Little, Andrew Gordonier, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name,

Corporators.

Style.	style and title of "The Wyoming County mutual insurance company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record or elsewhere; and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what kind soever, and choses in action, and the same to sell and dispose of from time to time: <i>Provided</i> , No policy shall be issued by said company until applications for insurance shall amount to fifty thousand dollars; and also make and have one common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter, or the laws of the United States, or of this commonwealth, generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well being of said corporation, and the due management and well ordering of the affairs thereof.
Privileges.	
Object.	SECTION 2. The object and business of said corporation shall and is hereby prescribed to be the insurance of their respective dwelling houses, stores, barns, shops and other buildings, household furniture, goods and chattels, and other property against loss or damage occasioned through any unavoidable accident by fire.
Continuation of membership.	SECTION 3. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators or assigns, continuing to be insured in said corporation as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer.
Management of affairs.	SECTION 4. The affairs of the said corporation shall be managed by a board of directors consisting of thirteen members, to be elected and chosen as hereinafter provided, which board shall appoint from their own number one person as president; they shall also appoint one person as secretary of the board, and one person as treasurer, of whom they shall require such securities as may be required for in the by-laws; and shall have authority to appoint other officers, and employ such clerks, agents and attorneys as may be found necessary for the transaction of the business of said institution; and shall also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance; a majority of said board shall constitute a quorum to do business.
Officers.	SECTION 5. The members of this company shall upon twenty days' notice, meet at such place as may be provided for in the by-laws, on the first Monday in May, in the year of our Lord, one thousand eight hundred and fifty, and hold their first election of directors; and such election shall be held under the inspection of three members, to be chosen by the members who may attend at the time and place of holding such election; such election of directors shall be by ballot, and a majority of the votes polled shall elect; and the directors so elected shall continue in office until the first Monday in May, one thousand eight hundred and fifty-one, or until others are elected, on which day, and annually thereafter, an election shall be held for directors as is provided in the first part of this section; and each member shall be allowed one vote and no more.
First election of directors.	SECTION 6. If it shall at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.
Failure of election not to dissolve said corporation.	

SECTION 7. Every person who shall become a member of this corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be determined by the directors; a part not exceeding ten per cent. of said note shall be immediately paid in, and the remainder of said deposit note shall be payable in part or the whole at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such incidental charges as shall be necessary for transacting the business of said corporation; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof.

Persons becoming members of corporation required to give their promissory notes, &c.

SECTION 8. Every member of said corporation shall be bound to pay for losses or damage, and such necessary expense aforesaid accruing in said corporation, in proportion to the amount of his or her deposit note.

Pay for proportionable losses.

SECTION 9. Suits at law may be maintained by said corporation against any of its members, for the collection of said deposit note, and any assignment thereon, or for any other cause relating to the business of said corporation; also, all suits may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment be withheld or refused more than three months after the company are duly notified of such losses; no member of the company not being in his individual capacity a party to the suit or suits, shall be incompetent as a witness on account of his being a member of the company.

Suits by said corporation.

SECTION 10. The directors shall, after ascertaining the amount of loss or damage by fire sustained by any of its members, settle and determine, in proportion to the deposit notes, the amount to be paid by any of its members as their respective shares of such loss or damage, and publish the same in such manner as may be prescribed by the by-laws, and the members shall pay the same to the treasurer of the company within thirty days after the publication of said notice; on neglect or refusal to pay the same, assessed upon him as a proportion of any loss as aforesaid, in such case said company may sue for and recover the whole amount of his or her deposit note or notes, with costs of suit; and the amount then collected shall remain in the treasury of said company, subject to the payment of such losses or expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected on demand.

Losses or damages by fire, how adjusted.

SECTION 11. At the annual meeting of the company as provided for in section fifth, the members shall pass all by-laws, rules and regulations necessary for the well government of the affairs of said corporation; it shall also be the duty of the secretary and treasurer at such annual meeting, to have all books and writings concerning the company at such place of meeting, and any member of the company shall be allowed to examine the same.

By-laws.

SECTION 12. Within thirty days after the annual meeting for the election of directors, it shall be the duty of the secretary of the corporation to cause to be made and published, in one or more newspapers published in the borough of Tunkhannock, a statement of the affairs of the corporation; the amount of premiums received; the amount of expenses and losses during the year in each respective class; the amount of risks in each class; the dividends paid; and a general balance statement of the affairs of the corporation.

Annual statement of affairs.

- Location of business.** SECTION 13. The operations and business of the said corporation shall be carried on and conducted at the borough of Tunkhannock, in the county of Wyoming.
- Board of directors.** SECTION 14. The hereinbefore named Nicholas Overfield, Bradley Wakeman, Paul B. Jennings, Asa S. Dana, Sherman D. Phelps, Asa Keeler, Henry Roberts, S. H. Taylor, Milton Dana, Jabez Jenkins, John Fassett, R. R. Little, Andrew Gordenier, shall constitute the board of directors of said institution until the first Monday of May, in the year of our Lord, one thousand eight hundred and fifty, or until others are elected in their stead.
- Cancellation of policies.** SECTION 15. That any member of this company wishing to withdraw his or her insurance from said company, shall surrender his or her policy to the directors, to be cancelled; and upon such surrender shall be entitled to secure his or her deposit note, on payment of his or her proportion of losses and expenses accrued prior to such surrender, and the payment of two per cent. on the balance of said note, for the use of the company.
- Reservation.** SECTION 16. This act shall take effect immediately after its passage; but the legislature of this commonwealth may at any time alter, modify or annul its provisions; in such manner, however, as to do no injustice to the corporators.
- Library street, Philadelphia, part of, vacated.** SECTION 17. That a portion of the south side of Library street, in the city of Philadelphia, shall be and the same is hereby declared to be vacated, so that the south line of the said street, commencing at the distance of one hundred feet eastward from the east side of Delaware Fifth street, may run direct and straight eastwardly one hundred and fifty-four feet, seven inches; thereby vacating nine feet of said Library street, by the said distance or front thereon of one hundred and fifty-four feet, seven inches: *Provided*, That before this act shall go into effect, the Mercantile Library company of Philadelphia shall and do assent to the said vacating, under the hand of the president and treasurer, and attested by the corporate seal of the said company, filed in the office of the clerk of the court of quarter sessions of Philadelphia.
- Court of common pleas of Tioga county authorized to entertain jurisdiction on the application of William Silk for a divorce.** SECTION 18. That the court of common pleas of the county of Tioga shall have and entertain jurisdiction of the petition and application of William Silk, for a divorce from the bonds of matrimony from his wife, Satina Silk, as fully as though the said William Silk had been a citizen of this commonwealth at the time said cause of action arose.
- Commissioners of Philadelphia county required to pay certain expenses for paving, &c., of the Passyunk road, to the commissioners of the district of Southwark.** SECTION 19. That the commissioners of the county of Philadelphia are hereby authorized and directed to pay to the commissioners and inhabitants of the district of Southwark, by warrant to be drawn on the county treasurer, one-half of whatever expense may be incurred by said district in paving and grading Passyunk road, in front of the real estate belonging to said county of Philadelphia, upon which the prison and debtors' apartment are erected; said payment not to be made until the said work shall have been done by the said commissioners and inhabitants of the district of Southwark.
- Tide Water canal, relative to.** SECTION 20. That the sum of fifteen per cent., designated in the act, entitled "A resolution to compel the Susquehanna and Tide Water canal company to receive their notes and certificates for tolls," approved the fourteenth day of April, one thousand eight hundred and forty five, be and the same is hereby increased to the sum of twenty per cent.; and the canal commissioners are hereby directed and required to carry out this act, and said act hereinbefore referred to, of the fourteenth of April, one thousand eight hundred and forty-five; and are enjoined to require the out-let lock mentioned in said act of fourteenth April, one thousand eight hundred and forty-nine, to be kept closed as long as said company

shall not charge persons offering to pay their tolls in the money, notes or certificates of said company, the same amount, and no more than the rate of tolls charged to persons paying in funds par in the cities of Philadelphia or Baltimore.

SECTION 21. That the district court for the city and county of Philadelphia are hereby authorized to appoint a commissioner, in addition to the one authorized by the third section of an act, entitled "An Act relative to certain courts in the city and county of Philadelphia," approved the fourteenth day of April, A. D., one thousand eight hundred and forty six, with the same powers and authorities, and to receive the same compensation as is provided in and by the fourth section of said act; and the said commissioners shall have full power to administer oaths and affirmations to witnesses, certify affidavits, and take testimony to be read in evidence in any court of this commonwealth; and any one falsely swearing or affirming before either of said commissioners, shall be liable to the pains and penalties of perjury.

District court of the city and county of Philadelphia, authorized to appoint an additional commissioner to take depositions.

SECTION 22. That the provisions of the act of assembly, passed the thirty first day of March, one thousand eight hundred and twenty-three, entitled "An Act relating to mortgages," shall extend and be applicable to all cases of any legacy or legacies, for the payment of which any real estate within this commonwealth is or may be chargeable, and to all recognizances in the orphans' court of any county of this commonwealth, which are or may be liens upon any real estate within the same, in as full and particular a manner as if the several provisions of said act were here repealed at length.

Provisions of certain act to be extended to legacies, &c.

SECTION 23. That the proceedings for the discharge and satisfaction of the lien of any such legacy or legacies, or any such recognizance, shall be the same as those prescribed in the act referred to in the preceding section, in reference to the satisfaction of mortgages, except that with regard to the aforesaid recognizances, the proceedings shall be had in the orphans' court, upon whose records the said recognizances are found.

Further proceedings.

SECTION 24. That any release or other instrument of writing, being evidence of the payment or release of any legacy or recognizance charged upon lands or tenements within this state, that have been, or may hereafter be made out of this state, or within the same, and which shall have been duly acknowledged, or the execution thereof proved in the manner provided by the existing laws for the acknowledgment and proof of the execution of deeds or other instruments of writing, concerning any lands or tenements and hereditaments, in order to authorize the same to be recorded, may be recorded in the office for the recording of deeds in the county where such real estate may be situate, and copies or exemplifications of such releases or other instruments of writing, acknowledged or proved and recorded as aforesaid, being examined by the recorder, and certified under the seal of his office, which the said recorder is hereby required to do, shall be allowed in all courts where produced, or elsewhere, and are hereby declared to be as good evidence, and as valid and effectual in law, as the original instrument of writing would be, if duly proved, and the same may be made use of accordingly.

Releases or other instruments of writing acknowledged in or without the state, concerning lands, &c., may be recorded in the proper county.

SECTION 25. That hereafter the widow or children of any decedent dying within this commonwealth, if the said decedent shall have left a widow or children who were residing with him at the time of his death, and the estate be insufficient to pay his debts, exclusive of the amount of property which is now by law exempted from levy and sale upon an execution against a debtor, may retain either real or personal property belonging to said estate to the value of three hundred dollars; and

Widow or children of decedent may retain property to the amount of \$300.

the same shall not be sold, but suffered to remain for the use of the said widow and family; and it shall be the duty of the executor or administrator of such decedent, to have the said property appraised in the same manner provided in the act passed the ninth day of April, A. D., one thousand eight hundred and forty-nine, an act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent: *Provided*, That this section shall not affect or impair any liens for the purchase money of such real estate; and the said appraisement upon being signed and certified by the appraisers, and approved by the orphans' court, shall be filed among the records thereof.

Relative to testimony taken by the canal commissioners, &c., in the investigation of claims.

SECTION 26. That hereafter the canal commissioners, or any superintendent or other public officer employed on any of the lines of the public improvements of this commonwealth, to whom applications for damages shall be referred by the canal commissioners for examination, investigation, and report thereon to the said board, shall have power to take the testimony of witnesses, and administer oaths or affirmations to said witnesses; and if any witness shall wilfully swear falsely on such examination, he shall be deemed guilty of perjury, and shall be deemed liable on conviction thereof, to all the pains and penalties imposed by law on other persons guilty of the like offence.

Preamble.

WHEREAS, A number of suits have been brought against the surviving directors of the Northampton Bank, by note-holders and others, which have excited much prejudice in the county of Lehigh; therefore,

Actions in the court of common pleas of Lehigh county, relative to certain.

SECTION 27. That sixteen certain actions now pending in the court of common pleas of the county of Lehigh, against Henry Ebner, Peter Hoffman, and others, surviving directors of the Northampton Bank, to September term, one thousand eight hundred and forty-eight, numbers three and thirty-two, December term, one thousand eight hundred and forty-eight, number fourteen, January term, one thousand eight hundred and forty-nine, numbers ten and fourteen, and April term, one thousand eight hundred and forty-nine, numbers ten, eleven, twelve, thirty five, forty, forty-one, forty-eight, forty-nine, fifty-eight, fifty-nine and sixty be and the same are hereby removed and transferred to the court of common pleas of Bucks county, to be there tried at one of the regular terms of said courts, in the same manner as if they had been originally instituted in the last named court; and the record in said actions shall be certified by the said court of common pleas of Lehigh county, to the said court of common pleas of Bucks county, for trial aforesaid; and on final judgment such writs of execution shall be issued as may be necessary to carry the same into full effect: *Provided*, That the county of Bucks shall not be subjected to any costs or expenses in consequence of, or by reason of the transfer and removal of the above actions, but the same, or such part thereof as would otherwise fall on the said county of Bucks, shall be paid by the commissioners of Lehigh county; and that the said final judgments shall be subject to writs of error to the supreme court, as in other cases, and in case of reversal and new trials awarded, they shall be re-tried in Bucks county, in the same manner as is hereinbefore described; and it shall be lawful for the said court of common pleas of Bucks county, if deemed advisable, to fix and appoint any special or adjourned court or courts to try the said causes, and any other cause or causes removed from the said county of Lehigh to the said county of Bucks.

Shippen's lane, Moyamensing, Philadelphia county, partly vacated.

SECTION 28. That so much of Shippen's lane as lies between the south side of Catharine street and the north side of Christian street, in the district of Moyamensing, in the county of Philadelphia, as is now laid out and opened, shall be and the same is hereby vacated and laid

aside forever; and the title to the soil over which the said lane passes is hereby vested, in fee simple, in the several owners of lots fronting on said lane respectively; each owner to take the part opposite his or her lot, by extending the lines of the said respective lots to the middle of the said lane so vacated.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 349.

A FURTHER SUPPLEMENT

To the act incorporating the Pennsylvania railroad company; and relative to lateral railroads in Lykens valley, in Dauphin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the viewers appointed for the purpose of assessing damages, in pursuance of the act of twenty-seventh of March, Anno Domini, one thousand eight hundred and forty-eight, entitled "An Act to incorporate the Pennsylvania railroad company," be entitled to receive, as a compensation, two dollars per day while engaged on said business; that one or more of said viewers shall have power to adjourn from day to day; and that a majority of the said viewers so appointed shall have power to view and assess damages, and to report as fully, and with like effect, as though all were present: *And provided further,* That a penalty of ten dollars be imposed on any of the said viewers who shall neglect or refuse to attend, after appointment and due notice, at the time and place named, unless unavoidably prevented; said penalty to be recoverable before any justice of the peace, as debts of similar amount are recoverable, for the use of the person suing for the same.

Viewers of damages on the Pennsylvania railroad, pay of.

SECTION 2. That hereafter the stockholders of the said Pennsylvania railroad company shall meet on the first Monday of February in every year; and that so much of the fourth section of the act, entitled "An Act to incorporate the Pennsylvania railroad company," approved the thirteenth day of April, one thousand eight hundred and forty-six, as prescribes the first Monday of December as the day of the annual meeting, is hereby repealed.

Annual meeting of stockholders.

SECTION 3. That at each annual meeting of the stockholders of said company, the president and directors for the year preceding shall lay

Statement of affairs.

before them a full and complete statement of the affairs of the company, for the year ending on the last day of December immediately preceding; and that so much of the nineteenth section of the act aforesaid, as prescribes the last day of October as the day to which such statement shall be completed, is hereby repealed.

Owners of coal lands in Lykens, Williams or Bear valley, authorized to make lateral railroads.

SECTION 4. That authority is hereby given to the owner or owners, lessee or lessees of coal lands in Lykens, Williams or Bear valley, in Dauphin county, to make a lateral railroad from any convenient point on the Lykens Valley railroad, not exceeding in distance one mile from the western terminus of said Lykens Valley railroad, to the Wiconisco canal; and have and use a landing on said canal, of such capacity as may be necessary for the accommodation and shipment of coal.

Damages, how adjusted.

SECTION 5. That the said owner or owners, lessee or lessees as aforesaid, may apply by petition to the court of quarter sessions of the peace of the county, whose duty it shall be to appoint three disinterested persons to view the premises, assess whatever damages, if any, which may have been sustained by the owner or owners of the ground to be used and occupied by said lateral railroad and landing; which valuation made by the viewers shall be reported to the said court shall be conclusive: *Provided*, That security to be approved by the said court, shall be given before the ground shall be broken for the construction of said lateral railroad and landing.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 350.

AN ACT

To authorize John S. Morrow to sell a lot of land belonging to the heirs of Elizabeth Vanderbelt, deceased; relative to the sale of certain real estate in Lycoming county; to the Richboro' and Feasterville turnpike road company; and to certain church property in Union county.

John S. Morrow authorized to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John S. Morrow, of Newville, Cumberland county, be and he is hereby authorized and empowered to sell, grant and convey, all the right, title, interest, claim and estate of the heirs and legal representatives of Elizabeth Vanderbelt, of Cumberland, (deceased in the year one thousand eight hundred and twenty-two,) of, in, or to a certain house and

lot of land, number eight, as the plot of town of Newville is laid out, in Cumberland county, the title to the same being now lost or mislaid; and to receive and distribute the purchase money thereof amongst the said heirs and legal claimants of Elizabeth Vanderbelt, deceased.

SECTION 2. That the said John S. Morrow shall, before he proceeds to sell and convey the said lot of land, enter into recognizance with one or more sufficient sureties to be approved of by the orphans' court of Cumberland county, conditioned for the faithful execution of the trust hereby reposed in him, and for the due distribution of the money arising from the sale of the said estate, to and amongst the heirs and legal claimants of the said Elizabeth Vanderbelt, deceased: *And provided always*, That nothing herein contained shall be so construed so as to affect or prejudice any legal title, right, interest or claim, other than those herein contained; and that before any such sale shall be valid, the same shall have been authorized, and after hearing of the application, approved by said court.

To enter into recognizance.

SECTION 3. That it shall be lawful for the guardian or guardians of Elizabeth H. Allen, Harriet Jane Allen and Robert R. Allen, minor children of Robert Allen, late of Lycoming county, deceased, to revise, release and forever quit claim unto Joseph Hall, of said county, and to his heirs and assigns all the estate, shares, purparts and dividends, right, title, interest, property, claim and demand whatsoever, of them the said minors in law or equity or otherwise howsoever, whether vested or contingent of, in, to or out of three acres of land more or less, situate in Lewis township, in said county, and granted by Mary Ann Allen to the said Joseph Hall: *Provided*, That the consent and approval of the orphans' court of said county shall first be obtained by the guardian or guardians aforesaid, to make the said release.

Guardian of minor children of Robert Allen, deceased, authorized to revise and quit claim to certain real estate.

SECTION 4. That the president and managers of the Richboro' and Feasterville turnpike road company, in the county of Bucks, shall have power to straighten their road at such points as the said company may deem advisable, retaining the width allowed by the said act: *Provided*, That in so doing, no buildings or tenements of individuals shall be removed or interfered with: *And provided further*, That the said road shall not be so straightened and opened, until all damages occasioned thereby, shall have been assessed in the manner prescribed by the act of incorporation of said company, and the sums so assessed either paid or tendered to the parties entitled thereto.

Richboro' and Feasterville turnpike road, to straighten.

SECTION 5. That the trustees of the United Lutheran and Reformed congregation of Selinsgrove, in the township of Penns, and county of Union, are hereby authorized and empowered to sell either at private or public sale, and to convey in fee simple, and to make and execute to the purchaser or purchasers thereof a good and sufficient conveyance and assurance in law, two lots of ground, with the appurtenances thereunto belonging, situate in Selinsgrove, (or Weisersburg, which is contiguous thereto,) in the county aforesaid, and bounded as follows, viz: east by Market street, west by Union alley, north by a lot of Mrs. Mary Wehrheim, south by Lutheran and Reformed church, containing two lots, or one-half acre, more or less, being a lot of ground which said congregation hold by deed of conveyance from the administrators of Conrad Weiser, deceased, dated the ninth day of March, Anno Domini, one thousand eight hundred and eleven: *Provided*, That before such sale the said trustees shall execute and file in the office of the prothonotary of the county of Union, a bond to the commonwealth, with such security as the court of common pleas of said county shall approve,

Trustees of the United Lutheran and Reformed congregation of Selinsgrove, authorized to sell certain real estate.

conditioned for the faithful application of the moneys arising from said sale to the payment of the debts of the said congregation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 351.

AN ACT

To annul the marriage contract between Caroline Allen and Robert Allen; incorporating the Hollidaysburg and Bedford plank road company; and authorizing the examination of the claim of Barbara Trucks and sons.

Preamble.

WHEREAS, Robert Allen, husband of Caroline Allen, of Clarion county, has twice been convicted of felony and sentenced to the penitentiary:

And whereas, After the expiration of his sentence he neglected and still doth neglect to provide for the support of his wife and children, leaving them to the charity of their relatives:

And whereas, The said relatives as well as the said Caroline Allen, desire that she be separated from her husband, so that he may have no further control over her, and that she may be absolved in law from her marital vows; therefore,

Caroline Allen
and Robert Allen
divorced.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Caroline Allen and Robert Allen, late of the county of Clarion, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage.

Commissioners.

SECTION 2. That George R. M'Farland, Thomas Jackson, John Penn Jones, Gilbert L. Lloyd, Thomas Bingham, Joseph S. Smith, John Brotherline, Samuel Calvin, David Caldwell, Davis Brooke, Alexander Knox, John Bennett, Peter Shoenberger, Joseph Kemp, John Ake, Nicholas Lyons, Samuel M. Barclay, Solomon Filler, Espy S. Anderson, William T. Daugherty, David Patterson, Peter Radebaugh, or any five of them, be and they are hereby appointed commissioners to open the books, receive subscriptions and organize a company by the name, style and title of "The Hollidaysburg and Bedford plank road company," to locate and construct a plank road from the borough of Hollidaysburg, in the county of Blair, to the borough of Bedford, in the county of Bedford, subject to all the provisions and restrictions of an

Hollidaysburg
and Bedford
plank road com-
pany.

Subject to provi-
sions of certain
act.

act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with this and the following sections, excepting that portion of the thirteenth section of said act, relating to tolls, which discriminates in favor of wheels of the breadth of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits in said thirteenth section, without reference to the width of wheels in any case.

SECTION 3. That the capital stock of said company shall consist of three thousand shares, of twenty-five dollars per share: *Provided*, Capital stock. That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.

SECTION 4. That if the said company shall not commence the construction of said road within five years from the passage of this act, and complete the same within ten years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company, and pay the debts of the same. Commencement and completion of road.

SECTION 5. That the canal commissioners are hereby authorized and required to examine the claim of Barbara Trucks and sons, of Armstrong county, for damages sustained by the public works, at dam number two, on the Kiskiminietas river, and make report of the facts thereof to the next legislature. Canal commissioners authorized to examine claim of B. Trucks and sons.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 352.

AN ACT

To authorize an examination of the claims of George Hogg, a canal contractor; and relative to Nanticoke and Hughesville turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the canal commissioners are hereby authorized and required to examine the claims of George Hogg, surviving partner of Forsyth, Moorhead and Hogg, in contracts for aqueduct number two, on the Erie extension of the Pennsylvania canal; and also in sub-contract on section number fourteen, on the Philadelphia and Columbia railroad; and if it shall Canal commissioners to examine claim of Geo. Hogg.

appear that injustice has been done in making incorrect estimates, or in the condemnation of timber and stone taken out for said contracts, and that damages have been sustained in the premises by reason of the same or otherwise, for which the commonwealth should be reasonably bound to make a compensation, then the said commissioners shall assess such amount of damages in favor of the said George Hogg, as he shall be justly entitled to, and report the same to the legislature, together with a statement of the facts upon which their award may be predicated.

Annual election
of stockholders of
Nanticoke and
Hughsville turn-
pike road com-
pany.

SECTION 2. That the stockholders of the company incorporated to make a turnpike road from Nanticoke dam, in Luzerne county, to Hughsville, in Lycoming county, under an act, entitled "An Act to authorize the governor to make a turnpike road from the Nanticoke dam, in Luzerne county, to Hughsville, in Lycoming county, and for other purposes," approved the first day of April, A. D., one thousand eight hundred and thirty-six, be and they are hereby authorized to hold their annual election on the third Friday in May in each and every year, for the purpose of electing the several officers of said company; and the next election shall be held at the house of John Koons, in New Columbus, Luzerne county, between the hours of ten, A. M., and three, P. M., of said day, of which at least two weeks' notice shall be given in one newspaper published in Wilkesbarre, and one in Lycoming county; that the managers of said company who shall be hereafter elected, are authorized to alter the route of said road at such intermediate points as they may deem necessary, for the more direct, convenient and proper construction of the road; and also to sell or lease for a term or terms of years, any part or parts of said road, in order to secure the completion of the same; and the purchaser or purchasers, lessee or lessees of the same, shall have all the rights and liberties, and be liable to all the restrictions of the said company over the same, with all the privileges and conditions stipulated in his or their contract with the company; and as soon as said company shall have completed, or caused to be completed any four or more miles of said road, they or those holding under them, may have the same inspected, and charge toll for all travel for any distance on the same, and all laws inconsistent herewith are hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 353.

AN ACT

To encourage the destruction of crows in the county of Bedford, and relative to hunting and fishing in Huntingdon county, and to the borough of Orwigsburg, in Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, any person who may kill any Crow in Bedford or crows in the county of Bedford, in this commonwealth, and Bedford county, relative to. who shall produce the scalp or scalps before the treasurer of said county, whose duty it shall be, free of charge, and who is hereby fully empowered to examine such person or persons on oath or affirmation, touching the time when and the place where such crow or crows were taken and killed; and if within the said county of Bedford, then the said treasurer shall pay to such person or persons the sum of ten cents for every scalp that may be produced of a full grown crow, and the sum of five cents for those that are not full grown; and the receipts for such payments shall be allowed as vouchers to said treasurer in the settlement of his account with the commissioners of said county.

SECTION 2. That the second section of an act relating to hunting and Fishing in Juniata river, within the counties of Huntingdon, Carbon, Luzerne, Dauphin, Mifflin, Elk, Pike, Monroe and Butler, approved the twenty-fourth day of March, one thousand eight hundred and forty-eight, be and the same is hereby repealed.

SECTION 3. That the borough of Orwigsburg, in the county of Schuylkill, be and the same is hereby extended and enlarged according to the following boundaries, viz: beginning at a chestnut oak, a point in the present borough line; thence by land of Joseph Hoy south seventy-seven and a half degrees west one hundred and eighteen perches to a cherry tree, a corner on Abraham Fegly's land; thence by Joseph Hoy's land north twenty-two degrees west one hundred and thirteen perches to a public road; thence by land of Henry Hoy north twenty-eight and a half degrees west twenty-five perches to a cherry tree standing on the west side of the public road leading from Orwigsburg to Landingville; and that all the taxes now assessed, and hereafter to be assessed upon the real and personal estate embraced within the boundaries of said extension, shall be paid to the collectors of the borough aforesaid, in the same manner and for the same purposes that taxes are now paid by the citizens of the borough aforesaid.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 354.

AN ACT

To authorize John Kauffman, trustee of the German Reformed congregation worshipping at Kimmerling's church, of Lebanon county, to sell and convey certain real estate; and to authorize the rector, church wardens and vestrymen of the Episcopal church of St. Paul, in the city of Philadelphia, to sell and convey real estate; authorizing the directors of the public schools of the first school district of Pennsylvania to appoint visitors of night schools; relative to actions of ejectment; extending the jurisdiction of courts in cases of divorce; and fixing the time of holding the courts in Butler county.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Kauffman, trustee of the German Reformed church worshipping at Kimmerling's church, in the county of Lebanon, or his successors in office, be and he is hereby authorized and empowered to sell and convey, by deed or deeds, to the school directors of North Lebanon township, in the county aforesaid, their successors and assigns, in fee simple, for the establishment and support of common schools in North Lebanon township school district, a certain lot of ground situate in said township, near their said church, bounded and described as follows, to wit: beginning at a post in the public road; thence along the middle of said road by other land of said congregation, north thirty-one degrees east eight perches and six-tenths to a stone; thence by land of the same south fifty-nine degrees east four perches and seven-tenths to a stone; thence by John Arnold's land south fifty-nine degrees and a half west nine perches and eight-tenths to the place of beginning, containing twenty perches strict measure, being part of the same lands granted by patent, dated December twenty-two, one thousand eight hundred and twenty-nine, enrolled in patent book H, volume 28, page 29, to Peter Rebock, in trust for the use of said congregation and their successors forever.

John Kauffman,
trustee of the
German Re-
formed church at
Kimmerling's,
authorized to sell
real estate.

Rector, church
wardens and ves-
trymen of the
Episcopal church
of Saint Paul's,
Philadelphia, au-
thorized to sell
certain real estate.

SECTION 2. That the rector, church wardens and vestrymen of the Episcopal church of Saint Paul's, in the city of Philadelphia, be and they are hereby authorized and empowered to sell, by public or private sale, and convey by deed or deeds, in fee simple, to the purchaser or purchasers, a certain brick house and lot of ground on which the same is erected, with the appurtenances thereunto belonging, situate on the south side of Pear street, between second and Third streets from Delaware, in the city of Philadelphia, containing in breadth, in Pear street aforesaid, seventeen feet six inches, in length or depth fifty-two feet, bounded on the east by ground late of Samuel Powell, deceased, on the south by ground belonging to Saint Paul's church, on the west by ground now or late of David Evans, and on the north by Pear street aforesaid: *Provided*, That before the rector, church wardens and vestrymen shall make and deliver a deed for the said real estate to the purchaser or purchasers thereof, the wardens shall first give security by bond or recognizance to the commonwealth, in such manner and amount as the court of common pleas of Philadelphia county shall approve, for the faithful application of the proceeds of the sale of said real estate; and that the said court shall first be satisfied of the propriety of said sale.

SECTION 3. That hereafter the boards of directors of the public schools of the several sections of the first school district of Pennsylvania, shall have authority to appoint, under such regulations as the board of controllers may direct, such number of visitors of the night schools, not exceeding in number the number of school directors in each section, as the said boards respectively may deem expedient: the board of controllers shall prescribe the duties of said visitors of night schools, shall have power to establish night schools for females, to fix the time for re-opening and closing of all night schools, and determine the age at which pupils may be admitted therein.

Boards of school directors of the first school district, authorized to appoint visitors of night schools, &c.

SECTION 4. That when the title of a plaintiff in ejectment to lands may have been changed, by sale or assignment, after action brought, the suit shall not be affected thereby; but the purchaser or assignee may prosecute said action; and the verdict and judgment in said action shall inure to him, in the same manner that they would have inured to the said plaintiff if no sale or assignment had taken place; and the purchaser of the real estate in controversy may be substituted on record, by brought.

Title of plaintiff in ejectment not to be affected where lands may have been changed by sale after action brought.

SECTION 5. That the jurisdiction of the several courts of common pleas of this commonwealth shall hereafter extend to all cases of divorce from the bonds of matrimony, for the cause of wilful, malicious and continued desertion by either of the parties from the habitation of the other, without reasonable cause; and it shall be lawful for either party to make application in such case, by petition or libel, to the proper court, in accordance with the provisions of the several acts of assembly now in force, at any time not less than six months after such cause of divorce shall have taken place; but the said court shall not proceed to make a final decree divorcing the said parties from the bonds of matrimony aforesaid, until after the expiration of two years from the time at which such desertion took place.

Jurisdiction of courts enlarged in cases of divorce.

SECTION 6. That it shall be lawful for the said several courts to entertain jurisdiction of all cases of divorce from the bonds of matrimony, for the causes of desertion as aforesaid, or adultery, notwithstanding the parties were, at the time of the occurrence of said causes, domiciled in any other state: *Provided*, That no such divorce shall be granted, unless the applicant therefor shall be a citizen of this commonwealth, or shall have resided therein for the term of one year, as provided for by existing laws.

Further provisions.

SECTION 7. That hereafter the terms of the several courts in the county of Butler shall commence and be held on the following days in each year, to wit: on the second Monday of January, fourth Monday of March, second Monday of June, and second Monday of November, to continue each two weeks, if necessary.

Courts in Butler county, terms of changed.

J. S. MCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 355.

A SUPPLEMENT

To the road laws of this commonwealth; and to incorporate the Mutual fire insurance company of Lawrence county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, but one supervisor of roads or highways in Branch and Cass townships, in the county of Schuylkill, shall be elected by the taxable inhabitants thereof, for each township, whose duty it shall also be to collect the amount of the respective duplicates for road taxes thereof; and who shall enter into bond, with sufficient security, to be approved by the township auditors, for the collection of the same, and the performance of the duties of supervisor as aforesaid.

Supervisors in
Branch and Cass
townships,
Schuylkill coun-
ty, election of.

Duties.

SECTION 2. It shall be the duty of the said supervisor respectively, (as also those that may have been elected in said township for the present year) to offer for sale, on the first Monday of May of each year hereafter, by public auction, first giving notice thereof by at least six hand-bills, the repairs of the roads or highways of said townships for that year, either whole or in parts thereof, to the lowest bidder or bidders, having required to the responsibility of the several bids, as to the faithful performance of the same, whose duty it shall be to keep the road or roads allotted to him or them, in repair, as shall be specified in the condition of sale, and agreeably to the acts of assembly in such case made and provided, or pay the costs and damages that may accrue; and in like manner shall the roads be let which may be laid out during the year subsequent to the first May aforesaid, subject to like conditions as aforesaid.

Further duties.

SECTION 3. It shall be the duty of the said supervisors respectively, after the letting as aforesaid, to submit the said bid or bids to the respective township auditors, who shall meet for the purpose on the first Saturday subsequent to the sales aforesaid, for their approval or rejection of the same; if the latter, it shall then be the duty of the said supervisors, on public notice as aforesaid, to re let the same, until the approval of the said auditors is had and obtained thereto.

Settlement of the
claims against
Branch township.

SECTION 4. It shall be lawful for Martin Weaver and Abraham Hock to audit and settle the claims against Branch township, prior to the division thereof, of which Cass township is a part, in such manner as shall appear to them just and equitable; and should they not be able to agree in the settlement thereof, it shall be their duty to appoint an umpire; and when report is made, it shall be filed with the respective supervisors of said townships, whose duty it shall be to pay the same out of the moneys arising from their respective duplicates.

Relative to hold-
ing moneys col-
lected as super-
visors.

SECTION 5. It shall be a misdemeanor, and punishable by indictment, to withhold moneys collected as supervisors after the expiration of the term of office.

Corporators.

SECTION 6. That James D. Clark, L. L. M'Guffin, R. W. Cunningham, John M. Crawford, David Sankey, Josiah C. White and William Watson, and all other persons who may hereafter be associa-

ted with them in the manner hereinafter prescribed, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of "The Mutual fire insurance company of Lawrence county;" and by the same name shall have perpetual succession, and shall be able and capable to sue and be sued, plead and be impleaded in all courts of law, or elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what kind soever, and choses in action, and the same to sell and dispose of from time to time; and also to have one common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter, or the laws of the United States or of this commonwealth; and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well-being of the said corporation, and the due management and well ordering of the affairs thereof: *Provided*, That the clear yearly value or income of the necessary houses, lands, tenements, rents and annuities, or other hereditaments and real estate of said corporation, and the interest of money loaned by it, shall not exceed five thousand dollars: *And provided further*, That the principal office of said company shall at all times be kept in said county.

SECTION 7. The object and business of the said company is hereby prescribed to be the insurance of their respective dwelling houses, barns, stores, mills, shops and other buildings, household furniture, goods and chattels, hay, grain, and other agricultural products in barns, stocks, or otherwise, and other property, against loss or damage by fire, by engaging to pay such a portion of the said actual loss as shall be determined on by the by-laws.

SECTION 8. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said corporation as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by the said corporation, and no longer.

SECTION 9. The affairs of the said company shall be managed by a board of directors consisting of seven members, to be elected and chosen as hereinafter provided, which board shall elect from its own number one person as president, and one person as treasurer and secretary of the board, of whom they shall require such security as they may provide by their by-laws, and may employ such other officers, clerks, agents and attorneys as may be found necessary for the transactions of the business of the company; and shall also determine the rates of insurance and sums to be insured: a majority of said board shall constitute a quorum to do business.

SECTION 10. The members of the company shall upon fifteen days' notice in one newspaper published in the county of Beaver, meet at the house of James Leslie, in New Castle, or at such a place thereafter designated by a majority of the voters present at any stated meeting, on the first Saturday in October in each year, for the purpose of holding an election for directors; and such election shall be held under the inspection of three members to be chosen by the members present at the time and place of holding the election; such election for directors shall be by ballot, and a majority of the votes given to elect; and the directors so elected shall continue in office until the first Saturday in October in the succeeding year, or until others are elected, on which day, and annually thereafter, an election shall be held for directors as

is provided for in this act; each member shall be entitled to one vote; in case of death, resignation or removal of any of the board of directors, the board shall have power to fill such vacancy until the ensuing election.

Incidental ex-
penses, how de-
frayed.

SECTION 11. Every person who shall become a member of this company by effecting insurance therein, shall before he receives his policy, deposit with the treasurer the sum of fifty cents for every thousand dollars worth of property he shall have insured, and so in proportion for a less or greater sum, and twenty-five cents for the policy, for the purpose of defraying such incidental charges as shall be necessary for transacting the business of said company; and it shall be lawful for said company to loan such portion of the said money on hand as may not be immediately wanted for the purposes of said company, to be secured in such mode as a majority of the board of directors shall designate.

Losses, by whom
borne.

SECTION 12. Every member of said company shall be bound to pay for losses, and such necessary expenses aforesaid accruing in said company, in proportion to the amount of property insured by him or her.

Suits.

SECTION 13. Suits at law may be prosecuted and maintained by any member against the said company for losses and damages by fire, if payment be withheld or refused for more than three months after the company are notified of such losses; no member of the company not being in his individual capacity a party to the suit or suits, shall be incompetent as a witness on account of his being a member of the company.

Losses to be paid
by each member,
&c.

SECTION 14. The directors after ascertaining the amount of loss or damage by fire sustained by any of its members, in such manner as they by their by-laws may prescribe, shall settle and determine the amount to be paid by each member, as his or her respective share of such loss or damage, and the members shall pay the same to the treasurer of the company within thirty days after being notified thereof; on neglect or refusal to pay the same assessed on him or her as a portion of any loss as aforesaid, said company may sue for and recover the said amount, with costs of suit.

Exhibit of
finances.

SECTION 15. It shall be the duty of the treasurer of the said company, at the annual meeting provided for in the fifth section, to exhibit in detail the condition of the finances of said company, and the names of the person or persons to whom the funds of the company have been loaned; and it shall also be the duty of the said treasurer and secretary of the company, at the annual meeting aforesaid, or whenever a majority of the board of directors shall require it, to produce all such books and papers as appertain to the business of the company.

First board of
directors.

SECTION 16. The persons named in the first section of this act shall constitute the board of directors of said company, until the first Saturday of October, one thousand eight hundred and fifty, or until others are elected in their stead.

When policies
may issue.

SECTION 17. No policy shall be issued by the said company until application be made for insurance to the amount of twenty thousand dollars.

Reservation.

SECTION 18. The legislature may at any time alter, modify or annul its provisions; in such manner, however, as to do no injustice to the corporators.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 356.

AN ACT

To provide for the establishment of true meridian lines, and of standard measures for surveyors' chains; and to regulate the practice of surveying in this commonwealth.

WHEREAS, It is known that on account of the variation of the magnetic needle from the true pole of the earth, much difficulty and inconvenience exist in ascertaining and tracing the lines of old surveys: Preamble.

And whereas, It is also known that surveyors' chains, by being worn, are lengthened beyond the true measure, so that but few surveyors of a county have chains of equal length, nor have they equal or standard measures to make their chains of equal length, and thus rendering uncertain the true boundaries of many tracts of land where the former land marks have been obliterated or removed; and inasmuch as it is believed that by establishing true meridian lines, and having standard measures for two or four-pole chains in every county of this commonwealth, and having a proper regard to them in making future surveys, much of such difficulty may be avoided; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the county commissioners of the several counties of this commonwealth are hereby authorized and directed, within two years from and after the passage of this act, to cause to be marked and established, on some inalienable property belonging to the county, or on such property as the commissioners of the county may hereafter acquire for that purpose, at or near the seat of justice of the several counties, a true meridian line, and a fixed standard measure of a two or four-pole chain, agreeing with and made after the measure of the standard yard now in the office of the secretary of the commonwealth; and the cost whereof to be paid out of the respective county treasuries.

County commissioners of the several counties of the state, authorized to establish true meridian lines.

SECTION 2. When the said true meridian lines, and the measures of the said standard two or four-pole chain, shall have been so marked and established as aforesaid, the said county commissioners shall give public notice thereof, in one or more newspapers of their respective counties, or otherwise, for at least three successive weeks; and it shall be the duty of every land surveyor in this commonwealth, after such notice has been given as aforesaid, in the month of April in each year, to adjust and verify his compass by one of the said meridian lines, and to ascertain the variation of its needle from the true meridian; and his chain by one of the said measures of the said standard two or four-pole chain; and the said surveyors shall thereafter, in all their returns of surveys, or writings concerning surveys of land and lines run by the compass, note the bearings or courses of such surveys and lines, so as to show the true, and not the magnetic bearing, together with the date of such survey or tracing of lines.

Notice to be given when lines are established.

SECTION 3. Any surveyor, after notice given as required by the provisions of this act, who shall neglect or refuse to comply with the requirements of this act, by making any survey with an unadjusted compass or chain, he shall, for every such neglect or refusal, pay the sum

Penalty for refusing to comply with this act.

of ten dollars, on complaint made by any person interested in such survey, before the justice of the peace nearest to the tract or lot of land so surveyed, to be recovered as debts of a like amount are by law recoverable; the one-half thereof to the person making the complaint, and the other half to the treasurer of the school district in which such survey is made, for the use of said district.

County commis-
sioners, further
duties of.

SECTION 4. It shall be the duty of the commissioners of the several counties aforesaid to procure a book to be kept in their office; and every surveyor, on having adjusted his chain and compass as aforesaid, shall enter therein the variation of his compass from the true meridian, whether east or west, and the day on which he adjusted his chain and compass, and shall subscribe his name thereto, for future reference.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 357.

AN ACT

Incorporating the German Reformed congregation of Shippensburg, in the county of Cumberland; relative to the common schools of the borough of Carlisle; and authorizing H. G. Wilcox to locate a certain land warrant.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the German Reformed congregation of the borough of Shippensburg and vicinity, in the county of Cumberland, are hereby erected into a body politic and corporate, in deed and in law, by the name and style of "The German Reformed congregation of the borough of Shippensburg, in the county of Cumberland."

Style.

Privileges.

SECTION 2. That the said corporation by the name and style shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all the courts of law and elsewhere, and shall be able and capable in law and equity to take, purchase, hold and receive to them and their successors for the use of said congregation, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which now are or shall hereafter become the property of said corporation, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whomsoever capable of making the same; and the same to grant, bar-

gain, sell, mortgage, improve or dispose of for the use and benefit of the said congregation: *Provided*, That the yearly value or income of the said estate shall not at any time exceed three thousand dollars, and shall not be used for any other than benevolent or religious purposes.

SECTION 3. The secular business of the said corporation shall be conducted by three trustees, of whom two shall be a quorum, who may ^{Trustees.} appoint a secretary and treasurer from among themselves, or from among ^{Officers.} the members of the congregation qualified to vote according to the sixth ^{Secretary.} section of this act: the secretary shall keep true and correct minutes of ^{Treasurer to give} the acts and proceedings of the trustees, and the treasurer shall receive, ^{bond.} disburse and account for all moneys coming into his hands belonging to the said corporation, and shall, if required by the trustees, give ample security for the faithful performance of the trust reposed in him, and shall have his accounts annually settled by the trustees, to be laid before and approved by the congregation, at the annual election: the said trustees may likewise appoint such other officers as they may from time to time deem necessary, for the proper management of the secular affairs of the congregation; but no compensation shall be allowed to any of these officers, unless sanctioned by a majority of the members of the congregation present at the annual election: the said trustees, in conjunction with the deacons, shall collect from the members of the congregation their contributions to the pastor's salary; and they shall annually inquire, ascertain and report to the consistory whether any member or members have failed or refused to contribute ratably, according to his, her or their ability, to the pastor's salary, and to the payment of the contingent expenses of the congregation within the previous year; on which report the consistory shall take such action, and make such order as shall by them be deemed expedient and right; and the decision thus made shall be enforced by them, subject, nevertheless, to an appeal by the party complained of to the congregation at the next subsequent annual election.

SECTION 4. The following named persons shall be trustees until others are or shall be elected, as is hereinafter provided, to wit: Christian Noaker, Daniel Kenower and Christian Rebeck, to continue in office until the first day of January, in the year of our Lord, one thousand ^{Present trustees.} eight hundred and fifty-one, on which day the male members of the congregation qualified to vote by the sixth section of this act, shall elect three persons to serve as trustees, one of whom shall serve for three years, one for two years, and one for one year; the term of service to be designated by the electors on their ballots; and their places respectively shall be filled at the annual election to be held for that purpose on that day in every year thereafter, except when it occurs on the Sabbath, and then on the preceding or succeeding day, by the election of one ^{Annual election.} person to serve as trustee for three years: *Provided*, That in case of a vacancy by death or otherwise, the remaining trustees shall appoint a person to supply the same, until the next election: *And provided further*, That no person shall be eligible as a trustee unless he is a citizen of this commonwealth, have attained the age of twenty-one years, and be a member of the German Reformed church in good standing, and have paid his contribution to the pastor's salary, if any was collected, and towards the discharge of the contingent expenses of the congregation within one year, according to his ability: *And provided further*, That all the acts of the said trustees shall be in conformity to the rules and principles of the German Reformed church in the United States, and not in anywise inconsistent with the same. ^{Vacancies.}

SECTION 5. If the congregation neglect, on the day of the annual election, to hold their election as is herein directed, the said corporation ^{Persons not eligible to office.} shall fail to hold elections, not to dissolve said corporation. ^{Failure to hold elections, not to dissolve said corporation.}

shall not be dissolved, but the trustees may appoint any subsequent time, not exceeding four weeks, at which the election may be held: *Provided*, That in case the trustee shall neglect or refuse to call a meeting for the purpose of holding an election as is directed in this act, then ten members qualified to vote according to the sixth section of this act, may call a meeting for the purpose of holding such election, by giving two weeks' notice of the time, place and object of such meeting.

Persons entitled
to vote.

SECTION 6. Any male member of the said congregation duly received by confirmation or certificate, and any male baptized contributing member, who is not a member of any other congregation, and no other, shall be entitled to vote at the meetings or elections of the said congregation: *Provided*, That he shall have discharged all arrearages due from him, and have contributed rateably, according to his ability, to the pastor's salary, if any was collected within the year, and toward the discharge of the contingent expenses of the congregation for the preceding year: *And provided further*, That all elections shall be by ballot.

Consistory.
Quorum.

SECTION 7. The consistory shall be composed of the pastor, for the time being, three elders and three deacons, four of whom shall be a quorum, of which the pastor shall be president, and who shall choose from among their number a secretary: the first election of elders and deacons under this act, shall be held at the same time as the first election of trustees, and one of each respectively shall be elected to serve one year, one more of each to serve two years, and one more of each to serve three years: the term or service respectively shall be designated by the electors on their ballots; and on the expiration of their several terms, their places respectively shall be supplied at the annual election to be held on the first day of January in every year thereafter, except when it occurs on the Sabbath, and then on the preceding or succeeding day, by the election of one elder and one deacon to serve for three years: *Provided*, That in case of vacancy by death or otherwise, among the elders or deacons, the remaining members of the consistory may supply the vacancy for the unexpired time from among the members of the congregation duly qualified: *And provided further*, That no one shall be elected an elder or a deacon who is not a member of the German Reformed church by confirmation or certificate, and who is not in good and regular standing at the time, and himself qualified to vote according to the sixth section of this act.

Vacancies in the
pastoral office,
how supplied.

SECTION 8. In case of vacancy in the pastoral office of the congregation, an invitation to preach may be given to one or more ministers of the gospel, licentiates or students of divinity by the consistory, or upon their refusal or neglect by a majority of the male members qualified to vote, who may be present at a meeting to be held for that purpose, called on the written request of ten members qualified as aforesaid; and at a subsequent meeting to be specially called for that purpose by the consistory, or in case of their neglect or refusal, by ten members qualified to vote, the pastor shall be chosen by a majority of the male members in attendance who are qualified to vote according to the sixth section of this act: *Provided*, That the pastor shall before accepting the call and being installed, be or become connected in membership with the synod of the German Reformed church in the United States, and subject to its jurisdiction, or be regularly received or admitted as a member of the classis of the said church or synod, with which the congregation is or shall be connected: *And provided further*, That the Bible and the Heidelberg Catechism authorized by the synod of the German Reformed church in the United States, shall be used by the pastor of the congregation in the instruction of youth.

Proviso.

SECTION 9. The pastor, or any officer of the congregation may be discharged from his office by a majority of the male members qualified to vote, according to the sixth section of this act, who may be present at a meeting to be held for that purpose, and to be called by the consistory upon the written request, stating the object and design to be for that purpose of ten members qualified to vote for pastor, at which meeting the vote shall be taken by ballot by three members appointed by the members present qualified to vote: *Provided*, That in case of absence, neglect or refusal of the consistory to call such meeting, then ten members qualified as aforesaid shall have the right to call the same.

Discharge of pastor and other officers.

SECTION 10. The said trustees and their successors, or a majority of them, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for their own government, and for the regulation and transaction of the business of the said congregation, and to make, use and have a common seal, and the same to break, alter and renew at their pleasure: *Provided*, That the said rules, by-laws and ordinances, and all the acts of the said trustees framed, enacted and promulgated shall not be contrary to this charter, nor to the constitution of the German Reformed church in the United States, nor to the constitution and laws of this commonwealth, or of the United States; and that the said trustees shall regularly submit a report of their acts and proceedings to the congregation at the annual election.

By-laws.

SECTION 11. No enumeration of powers, privileges and duties herein contained, shall be so construed to exclude others not enumerated, which are necessary to the proper fulfilment of the design and purpose of this act, and not inconsistent with its express provision and limitations.

Powers and privileges of this act, how construed.

SECTION 12. That Adam Cressler, William M'Clure and John Cressler, the present trustees of the Lutheran congregation of the borough aforesaid, be and they are hereby authorized to sell and convey by good and sufficient conveyance and assurance in law, to the German Reformed congregation aforesaid, all of the right, title and interest of the said Lutheran congregation, in and to that certain piece of ground situate in the borough of Shippensburg aforesaid, bounded and described as follows, to wit: on the west by a fourteen feet alley, on the north by lot number two hundred and twenty-one, on the east by part of lot number two hundred and twenty, and on the south by Orange street, containing sixty-five feet in length along the said street and sixty-four feet four inches in breadth along the said alley, being part of lot numbered in the general plan of the said borough, number two hundred and twenty, which was granted and confirmed by Edward Bard, by deed bearing date the twenty-ninth day of May, one thousand eight hundred and nine, to the trustees therein named, in trust for the use of the members of the said Lutheran and German Reformed congregations.

Trustees of the Lutheran congregation authorized to sell and convey to said German Reformed congregation, certain real estate.

SECTION 13. That the said Adam Cressler, William M'Clure and John Cressler, trustees of the Lutheran congregation aforesaid, and Christian Neaker, Daniel Kenower and Christian Rebeck, trustees of the German Reformed congregation aforesaid, be and they are hereby authorized and empowered to sell and convey, by good and sufficient conveyance and assurance in law, to the purchaser or purchasers thereof, all that certain lot of ground known as the school house lot, situate in the borough of Shippensburg aforesaid, numbered in the general plan of the said borough, number two hundred and twelve, bounded as follows, to wit: on the east by Penn street, on the south by lot of John Saltzman's heirs, on the west by a fourteen feet alley, and on the north by a fourteen feet alley; containing in front on Penn street, sixty-four feet, four inches, and in depth to the said alley, two hundred and fifty-seven

Trustees of both of said congregations authorized to sell certain real estate.

feet and four inches ; the said lot being the property of the said Lutheran and German Reformed congregations.

SECTION 14. That the borough of Carlisle, in the county of Cumberland, shall continue to form one common school district for all purposes of education, according to the existing common school laws of this commonwealth, except so much thereof as is altered, supplied or repealed by the provisions of this act.

Election of school directors.

SECTION 15. At the same time and place, annually, that elections are held for borough officers in each ward, one citizen of said school district shall be elected school director, to serve three years ; and the directors elected in said borough, under the provisions of former enactments, whose terms of office have not expired, shall continue to serve as school directors until their respective terms have expired for which they were elected ; and duplicate returns of all elections for directors shall be made out, signed and sealed by the judges, and delivered by the constable, or proper officer of said election, one to the board of directors, and the other to the court of quarter sessions, within ten days thereafter ; and each person elected a director shall be notified, in writing, by the constable or other officers who held the election ; and if the election for directors is contested by ten qualified citizens, the court of quarter sessions, on a hearing, shall confirm, set aside, or order a new election, as to said court may seem just ; and if a new election, it shall be held in the usual place, on two weeks' notice.

Organization of board of directors.

SECTION 16. The directors elected under the provisions of this act shall, together with those already in office, organize by electing officers within twenty days after the election ; and if any one duly elected a school director shall refuse to serve, or to attend a regular meeting of the board, to assume his duties, on notice in writing by the secretary, or after entering on his duties, shall neglect to attend two or more regular stated meetings, without any satisfactory excuse to the board, the directors present may declare his seat vacant, and appoint another in his stead ; and the same in all other cases of vacancy, until the next regular election ; and all directors of said borough, while in office, shall be exempted from serving in any township or borough office.

Rules and regulations for the government of teachers, &c.

SECTION 17. The board of directors, when organized, shall define and prescribe, more particularly, the duties of the board, and the regulations for the government of the teachers, as well as for the schools ; the president and secretary shall be members of the board ; and the treasurer may or may not be a member of the board, at the discretion of the directors.

President, duties of.

SECTION 18. The president shall sign the certificate of assessment of the district tax, and all orders issued to the district treasurer, and the secretary and treasurer shall do and perform all the duties and acts which the regulations to be adopted by the board shall direct and require : the treasurer shall, if required, give bond, with such sureties as shall be approved by the board, for the faithful performance of his duties, and shall settle his accounts annually with a committee of the board, and pay over without delay the balance to his successor in office.

Schools.

Age of pupils.

Purchase lots.

Further powers of directors.

SECTION 19. The board of directors shall establish a sufficient number of schools for the education of every individual of the age of six years, and under twenty-one, in said borough, and may purchase or rent lots of ground or buildings for school houses, or for the building and erection of school houses, and the same to sell, alien and dispose of, when it shall no longer be necessary for the purposes aforesaid, and shall have power to borrow for the purchase of ground or buildings, and the erection of school houses necessary for the schools of said borough, any sum or sums of money not exceeding at any one time three thou-

sand dollars, and to pledge by mortgage or judgment, any part or all of their real estate for the security and re payment thereof, such being first duly authorized by a resolution of the board, signed by the president and attested by the secretary, which shall thereupon become valid and binding to all intents and purposes.

SECTION 20. The board of directors shall exercise a general supervision over the schools of said borough, and shall by one or more of their number visit the same at least once in each month, appoint the teachers, fix the salaries, designate for what causes a teacher shall be dismissed in their general regulations of the schools, to what school a pupil shall be admitted, determine and direct what branches of learning shall be taught, and what books shall be used, and specify also for what causes pupils shall be suspended or expelled, and shall on or before the first Monday of June in each year, make a report to the superintendent of common schools in such manner as he shall require.

SECTION 21. In cases of any difficulty or difference an appeal shall be made to the state superintendent, who shall take order in the premises as to him shall seem just and right; but no county superintendent shall interfere or have jurisdiction in the schools of said borough.

SECTION 22. The board of directors shall have power whenever a school is not full, and will not operate to the disadvantage of any of the citizens of said borough, to receive a scholar or scholars from other districts or places at such a rateable sum per quarter as the said board shall think just for the school in which such scholar is admitted, and said board shall also have power to establish a Normal school of a superior grade in said district: *Provided*, No additional expense is thereby incurred over and above sustaining the necessary schools for said borough, and to admit scholars in said Normal school from any part of the county, or elsewhere, on such terms and on such plan as said board may direct; and the board of directors of any other school district in said county, may if they think proper, make an agreement with the directors in Carlisle to contribute to the support of the same, according to the number of scholars they may send to said Normal school.

SECTION 23. It shall be the duty of the county commissioners of Cumberland county, to certify to the superintendent the number of taxable inhabitants in said borough of Carlisle, at such times as is required by the existing common school laws of this commonwealth.

SECTION 24. The school directors of the said borough of Carlisle shall on or before the first Monday of May annually, and by the votes of not less than four members of the board, levy such amount of tax on their district as shall, together with such additional sums as the district may be entitled to receive out of the state appropriation, and from other sources, be sufficient and necessary to keep the schools of the district in operation not less than four nor more than ten months in the year, and to defray all necessary and contingent expenses relating to the same, and the collection of the said tax.

SECTION 25. The county commissioners of Cumberland county shall annually hereafter, when required, furnish the president or secretary of the board with a correct copy of the last adjusted valuation of all property, subjects and things which now are or may hereafter be made taxable by the laws of this commonwealth for state or county purposes, which said property, subjects and things are hereby made taxable for school purposes, according to the provisions of this act; whereupon the board shall, on or before the first Monday of May annually, proceed to levy, assess and apportion the said school tax as follows, viz: First, upon all offices and posts of profit, professions, trades and occupations, and upon all single freemen above the age of twenty-

Directors to visit the schools monthly.

Appoint teachers, &c.

State superintendent authorized to settle difficulties

May receive scholars from other districts, &c.

County commissioners to certify to the number of taxables to superintendent.

Levy tax.

County commissioners to furnish an adjusted valuation of property.

one years, any such sum as they in their discretion may deem just and proper, not exceeding five mills in the dollar of the adjusted valuation thereof: *And provided also*, That the tax assessed on each shall in no case be less than fifty cents: and secondly, the directors having ascertained the amount thus assessed, shall assess and levy the balance necessary to make up the whole amount of school tax required to be raised upon all the other property, subjects and things of the district, made or to be made taxable for state or county purposes, as aforesaid.

Duplicate of tax to be made out, district treasurer to collect.

SECTION 26. When the school tax is thus levied and apportioned, the secretary of the board of directors shall make or cause to be made out a correct duplicate of the same, and the president shall issue his warrant to the district treasurer to collect the said school tax, and the board shall have the right at all times to make such abatements or exonerations for mistakes, indigent persons, or unseated lands as to them shall appear just and reasonable; and the secretary shall enter on the minutes all such exonerations and abatements or otherwise keep an account thereof, excepting that all corrections or abatements shall be made only as of the time when the regular appeals for county and state purposes were held, and no reduction of valuation of property except where the commissioners have so decided.

District treasurer to give notice for the payment of taxes.

SECTION 27. On the receipt of said warrant and duplicate, the district treasurer shall give at least thirty days' notice by not less than ten written or printed advertisements, to be put up in the most public places in the district, and such additional notice as the board may direct, that he will attend at the court house in said borough, on a day or days named in said advertisements, for the purpose of collecting and receiving the school tax for said district, and shall collect and receive the same, and as compensation therefor, the said treasurer shall receive two per cent. for all moneys so collected.

Unpaid school tax, for the collection of.

SECTION 28. In case any school tax shall remain unpaid for a period of sixty days from and after the day on which the district treasurer shall have attended for the purpose of receiving the same as aforesaid, the said treasurer may at any time thereafter, and it shall be his duty to do so, before the expiration of three months from the termination of the sixty days aforesaid, issue his warrant with a schedule of all such unpaid school tax, and the names of the persons respectively to whom the same is charged in the proper duplicate, directed to the constable of the said borough of Carlisle, or to such other suitable person as the treasurer and board may appoint, who, on receiving the same, is hereby authorized and required to demand and receive from the persons named in the said schedule, the said tax with which they are respectively charged; and the said constable or collector shall have like power to enforce the payment of the school tax aforesaid, as collectors of county rates and levies have to enforce the payment of county and state taxes; and in case of a levy by distress and sale of the goods and chattels of any delinquent, the said constable or collector shall, in addition, be allowed such fees as are now allowed by law to constables in cases of levy and sale on writs of execution, and to be collected with the tax: *Provided nevertheless*, If any tax-payer shall, before the warrant and schedule aforesaid is actually delivered to said constable or collector, tender the amount of his or her tax to said treasurer, he shall receive the same, and credit the same in said schedule; and that said directors shall be authorized to make such allowance for collection of said tax or abatement in those promptly paying, as shall not exceed five per cent. on the amount so paid: the said constable or collector shall from time to time, as the said tax is collected, pay over the amount to the district

treasurer, and shall settle up his duplicate, and pay over the amount due thereon (except such sums as he shall be exonerated from) to the said treasurer, on or before the day fixed upon in the warrant of the treasurer.

SECTION 29. Before the delivery to the constable or collector so appointed, of the warrant and schedule as aforesaid, the district treasurer and board of directors shall require of him sufficient bond and security for the payment of the amount of school tax contained in said schedule; and if said constable or collector shall fail to give the security required within ten days, the district treasurer and board may appoint another person to collect the said unpaid school tax, who shall have the same power and receive the same compensation as hereinbefore provided for.

Constable or collector to give bond.

SECTION 30. As soon as the said president of the board of directors shall have issued his warrant for the collection of the school tax in said borough of Carlisle, he shall certify the same, stating the amount of such tax, and also the name of the district treasurer to the superintendent of common schools, who shall thereupon draw his warrant on the state treasurer for the whole amount said district is entitled to receive from the annual state appropriation.

President of the board to certify the amount of tax to the superintendent of common schools.

SECTION 31. Whenever the board of directors shall consider it expedient or necessary, they shall make out, under the hand and seal of the president thereof, and file in the office of the prothonotary of the court of common pleas of the county, a certificate of the amount contained in the duplicate delivered to the district treasurer; which certificate the prothonotary is required to record and file, for which he shall be allowed a fee of fifty cents; and when so filed of record, shall operate as a judgment against the district treasurer aforesaid, collector, constable, or other person appointed to collect the school tax aforesaid from the date of such entry; and it shall be lawful to proceed thereon by writs of scire facias or fieri facias, as in cases of other judgments.

Certificate of the amount of duplicate to be filed in the office of the prothonotary, &c., and when filed to operate as a judgment, &c.

SECTION 32. All applicants for the station of teacher in any of the common schools of the borough of Carlisle, shall be examined by the board, or such committee as they may appoint, in the presence of the board; and a certificate, signed by the president, shall be given to such as are found qualified for such grade of schools as they are fitted for; without which, no one shall be appointed a teacher in any of the schools of said borough.

Applicants for the station of teacher to be examined, &c.

SECTION 33. If any person or persons shall in any year remove to and locate himself or herself in said school district of the borough of Carlisle, after the last assessment or valuation for county rates and levies shall have been made and returned, or omitted in said assessment, and having a profession, calling, thing or property, liable to taxation according to the provisions of this act, it shall be the duty of the assessor of said borough to value and return said professions, callings, things or property to said board of directors; and such person or persons shall be heard on an appeal by the board aforesaid, if required by them, at any regular meeting of said board, before the duplicate for collection thereof shall have been issued to the collector; which said objects so returned, shall be taxed for school purposes the same as if it had been assessed and returned by said commissioners pursuant to the twelfth section of this act.

Relative to persons locating themselves in said school district after last assessment and valuation.

SECTION 34. The said board of directors may, on petition of fifty citizens of said borough, keep open for not more than four months in each school year, not exceeding two night schools for the instruction in the useful branches of an English education of persons over the age of fourteen years, who may apply to said board to attend the same, and whose avocations are such as necessarily to prevent them from attending

Night schools.

the day schools ; and in such case to add the expense of the same to the general expenses of the common schools of Carlisle, to be included in the next assessment and taxation for same.

Repeal. SECTION 35. This act shall continue to be the common school law of the borough of Carlisle, until otherwise altered or repealed ; nor shall the same be altered or repealed, or altered or modified by implication or general words in any general common school law that may at any time be enacted, without being so expressly stated ; and any former laws, resolutions or parts of laws supplied by or inconsistent with the provisions of this act, so far as relates to said borough, are hereby repealed.

Preamble. WHEREAS, H. G. Wilcox, a citizen of the county of Tioga, did, on the fourteenth day of September, one thousand eight hundred and forty-six, procure a warrant for one hundred and seventy acres of land in the township of Middlebury, in the county of Tioga, according to a description set forth in the application for said warrant, for which he paid the usual price into the state treasury and fees of office :

And whereas, In consequence of an error in the description of said warrant, and a full examination and survey of the premises by the deputy surveyor, it appeared that there was no vacant land included in said description, by means whereof said H. G. Wilcox suffers a loss of the money so paid to the treasury, and office fees, et cetera ; therefore,

H. G. Wilcox authorized to locate a certain land warrant. SECTION 36. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That H. G. Wilcox be and he is hereby authorized to locate said warrant on vacant land, if any there be in the township of Tioga, in said county, bounded north by George Mead's and A. C. Bush's warrants, east by George Mead's warrant, south by James Wilson's warrants, and west by Joseph W. Guernsey's warrant : *Provided*, That said land shall not have been heretofore appropriated.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 358.

AN ACT

Incorporating the Associated Firemen's insurance company of the city of Pittsburg, county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same.* That there shall be and is hereby established, at the city of Pittsburg, in the county of Allegheny, an insurance company, with a capital of two hundred thousand dollars, to be divided into shares of twenty-five dollars each, and subscribed and paid by individuals, companies and corporations, in the manner hereinafter specified; which stockholders and subscribers, and their successors, shall be and are hereby created a body corporate and politic, with perpetual succession, by the name and style of "The Associated Fireman's insurance company of the city of Pittsburg;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts and places, and in all matters whatsoever; with full power and authority to hold, possess, use, occupy and enjoy all such real estate as shall be necessary or convenient for the transaction of business, or which may be conveyed to said company for security, or in payment of any debt that may become due or owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity, in their favor, and the same real estate to sell, convey and dispose of; and said corporation may have and use a common seal, and the same may change, break, alter or renew at pleasure; and also may make, ordain, establish or put in execution such by-laws, ordinances, rules and regulations as shall be necessary for the government of said company, and for the prudent and efficient management of its affairs: *Provided*, The same be not contrary to the constitution and laws of this state or of the United States.

SECTION 2. That the corporation hereby created shall have power and lawful authority to insure all kinds of property against loss or damage by fire, or any other cause or risk; to make all kinds of insurance against loss or damage of goods, merchandize or other property in the course of transportation by land, water or otherwise, and on any vessels or boats, or other water craft, wherever they may be; to make all kinds of insurance upon life or lives; to lend money upon bottomry or respondentia; to cause themselves to be insured against any loss, damage or risk in the course of their business; and generally to do and perform all other matters and things connected with and proper to promote their object.

SECTION 3. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debt created, or to be created, by or under any laws of this or any other state or of the United States; the same to sell, transfer or exchange at pleasure, and again to invest the same, or any part thereof, in such stocks or funds, or otherwise, whenever and as often as said company may deem it expedient; or they may loan the same to individuals or corporations, on real or personal security, or de-

Capital.

Style.

Privileges.

Kind of property to be insured.

Said company may invest their capital stock, &c., in any public stocks, funded debt, &c.

posit the same with any banking or savings institution, with or without interest, for such time, and on such terms, and under such restrictions, as the directors *as the directors* of said company, for the time being, shall deem most expedient.

SECTION 4. That the real and personal estate, business, property, funds and prudential concerns of said company, and the administration of its affairs, shall be under the direction, management and control of a board of thirteen directors, who shall be stockholders; and seven of said directors shall also be delegates duly elected to the "Fireman's association of Pittsburg," residents within the county of Allegheny; and after the first election they shall be elected by the stockholders annually on the first Tuesday of January, at such hour and place within the city of Pittsburg, as the directors for the time being shall appoint, of which ten days' notice in at least one newspaper in said city shall be given; and they shall hold their office for one year, until their successors shall have been chosen: the election shall be by ballot, and a majority of all the votes polled shall be necessary to a choice, which votes shall be received and counted in public by and under the direction of three stockholders not directors at the time, to be previously designated by the board of directors for that purpose; and at every such election and all meetings of the stockholders held in pursuance of the provisions of this act, each share shall be entitled to one vote, and after the first election no share shall entitle the holder thereof to a vote, unless the same shall have been held by said share-holder for at least three calendar months previous to the day of election; all stockholders absent from any meeting may vote by proxy; being a stockholder and present at the time of voting; and in case it should by any means happen that an election should not be held on any day required by the provisions of this act, the said corporation shall not, for such cause, be deemed to be dissolved; but it shall be lawful for said company to hold an election on any other day, in such manner as they may provide by by-law.

SECTION 5. That the directors chosen under the provisions of this act shall, as soon as may be after the first election, and after every annual election, elect from their own body a president, who shall preside in the board until the next annual election; and in case of his death, resignation or otherwise failing to perform the duty, the board shall appoint a president pro tempore: they shall fill all vacancies that may occur in their own body during the time for which they shall have been elected, and shall appoint a secretary and all subordinate officers, clerks and agents of said corporation; define their powers and prescribe their duties; (who shall hold their several appointments during the pleasure of the board;) make such by-laws, rules and regulations for the government of themselves and their officers and agents, in the management of the affairs of the corporation, as to them shall seem needful and proper, not inconsistent with the laws of this state and the by-laws of the stockholders adopted at any regular meeting; they shall hold stated meetings as often as once in every month, on such day of the month and such hour of the day, as they from time to time shall appoint, and at such other times as the president for the time being shall direct; five of the directors shall constitute a board for the transaction of business, and all questions before the board shall be decided viva voce, by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any question submitted and entered on record in the journal of their proceedings.

SECTION 6. That all policies or contracts of insurance that may be made or entered into by said corporation, shall be subscribed by the president and attested by the secretary, and being so signed and attested

shall be binding and obligatory on said corporation without the seal thereof, according to the true intent and meaning of such policy or contracts; and the secretary shall at every annual election or general meeting of the stockholders, lay before them a correct statement of the condition and affairs of said company.

SECTION 7. That the stock of the said company shall be assignable and transferable on the books of the same, or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations as the stockholders at a general and regular meeting, may from time to time adopt and establish.

SECTION 8. That the board of directors, or any number of stockholders being the owners of at least four hundred shares, may at any time call a general meeting of the stockholders on any business interesting the company, by giving at least one week's notice in a daily, or two weeks' notice in a weekly paper published in Pittsburg, of the time, place and object of such meeting.

SECTION 9. That William M. Edgar, Edward Gregg, William Collingwood, Charles Kent, David Campbell, Henry Hays, James T. Shannon, R. Biddle Roberts, William W. Dallas, Rody Patterson, Thomas Bakewell, Pollard M'Cormick, William Eichbaum, J. Cust Blair and Richard Cowan, of Allegheny county, or three of them be and they are hereby authorized, after giving two weeks' public notice in two daily newspapers published in the city of Pittsburg, to open books at "Wilkins' hall," in the city of Pittsburg, for the subscription of the capital stock of said company, at such time as they may designate, and the same to keep open from time to time, between the hours of ten o'clock in the forenoon, and four o'clock in the afternoon, or until at least two thousand shares of stock shall be subscribed for; after which time it shall be lawful for the subscribers to meet, five days' notice of the time and place being previously given in at least two newspapers of the city of Pittsburg, and choose the first board of directors, who shall continue in office until the next annual election.

SECTION 10. That if the whole number of shares authorized by this act shall not be subscribed for at the opening of the books authorized by the ninth section of this act, the directors of said company shall have power from time to time, whenever they shall deem it expedient, to re-open said books at the office of the company, and the same to keep open until the whole number, or any portion of the remaining shares shall have been subscribed for: *Provided*, That not less than ten days' public notice shall be given of such re-opening, by publication in at least two daily newspapers published in the city of Pittsburg, designating the time of such re-opening, and the number of shares to be disposed of.

SECTION 11. That the payment of said stock shall be made by the subscribers respectively, at such times and in such manner as the stockholders at any general meeting, or the directors for the time being, shall require: *Provided*, That at least two dollars and fifty cents shall be paid on each share at the time of subscribing: *Provided also*, That before the company shall make any contract or policy of insurance, there shall be paid, or satisfactorily secured to be paid on demand, (including the amount paid at subscribing) not less than thirty thousand dollars, which amount and all balances that may remain unpaid of the capital stock subscribed, shall be subject to the call of and disposable by the directors, as the exigencies or interest of the company may require.

SECTION 12. That it shall not be lawful to make any dividend arising out of any profits which may accrue to the said company, unless

rance to be sub-
scribed by the
pre ident, &c.

Stock transfera-
ble.

Special meetings
of stockholders.

Commissioners.

Duties.

Books may be re-
opened.

Payment of
stock.

Dividends.

one per cent. of said profits shall have been first paid over to the said treasurer of the Firemen's association of Pittsburg, to be by him applied to such purposes as the delegates to said association may by resolution direct.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 350.

SUPPLEMENT

To the act, entitled "An Act to incorporate the Northern mutual insurance company of Lancaster county," passed the fourth day of April, one thousand eight hundred and forty-four.

Preamble.

WHEREAS, Owing to the increase of said company, it is believed that its future prosperity and welfare require certain alterations in their act of incorporation; therefore,

Board of directors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* The affairs of said corporation shall be managed by a board of directors, consisting of nine members, to be elected and chosen as is hereinafter provided; which board of directors shall appoint, from their own number, one person as president of said board; they shall also appoint one person to perform the duties of secretary and treasurer of said company; which person so appointed as secretary and treasurer, who may or may not be a member or director of said company; they shall also appoint other officers, and employ such clerks, agents, collectors and attorneys as may from time to time be found necessary for the transaction of the business of said company; and said board of directors shall determine the rates of insurance, the sum to be insured, the sum to be deposited for any insurance, and the amount of premium notes to be deposited; a majority of said board shall constitute a quorum to do business.

Officers.

Annual election of directors.

SECTION 2. The members of said company shall, upon at least twenty days' notice given in two newspapers published in the city of Lancaster and in the borough of Lebanon, meet at such place as may be designated by the secretary of the board of directors of said company, or as may be provided in the by-laws, on the third Monday in May, in the year of our Lord, one thousand eight hundred and fifty, and hold an election for electing nine directors of said company; such election of

directors shall be held under the inspection of three members, to be chosen by a majority of the members present at the time and place of holding such election; such election of directors shall be by ballot; and the members, as electors, shall upon their ballots designate three persons to serve as directors for three years, and three persons to serve as directors for two years, and three persons to serve as directors for one year; and the persons so voted for as aforesaid, who shall receive the highest number of votes polled, shall be declared elected for such time as may be designated upon their ballots: and annually thereafter, on the third Monday in May, an election shall be held for the election of three directors, to serve for three years as directors; and at such annual elections also to elect such directors as may be necessary to fill all vacancies that may occur by death, resignation or otherwise; such annual elections to be held and conducted upon notice given as provided in the first of part of this section; and such elections to be opened between the hours of nine and eleven o'clock in the forenoon of said day, and be closed at six o'clock in the afternoon of said day; and each member shall have or be allowed one vote, and no more; and no vote shall be taken by proxy; and at the same time and place, and in the same manner as heretofore provided for the election of directors, three persons, members of said company, shall be elected auditors, one of them to serve for three years, another to serve for two years, and the other to serve for one year; and annually thereafter to elect one auditor to serve for three years; said auditors shall meet on the first Monday in May annually, and examine, audit and adjust the accounts of said company up to the last day of April in each year, and make report thereof to the next regular meeting of the board of directors; said auditors, before entering upon their duties, shall respectively subscribe an oath or affirmation to perform their duties with fidelity; any two of said three auditors shall be a quorum to do the business enjoined upon them; the directors and auditors of said company shall be entitled to receive, from the funds of said company, a compensation not exceeding one dollar per day, for every day necessarily engaged in discharging their respective duties; and a majority of the board of directors shall, by appointment, fill all vacancies that may occur in the board until the next annual election; the directors, treasurer and secretary shall, before entering upon the duties of their respective offices, subscribe an oath or affirmation to perform their duties with fidelity, and give bond, with approved security, in such sum as may be determined by the board of directors, for the faithful performance of their duties.

SECTION 3. Suits at law may be maintained by said corporation against any of its members for the collection of said deposit notes given by the members, or for any other cause relating to the business of said corporation; also, all suits at law may be prosecuted and maintained by any member against said corporation for losses or damages by fire sustained, agreeably to the condition of his policy and act of incorporation and by-laws: no member of the company not being in his individual capacity a party to the suit or suits, shall be incompetent as a witness on account of his being a member of the company: the secretary of said company shall annually publish in one or more newspapers published in the city of Lancaster and borough of Lebanon, a statement of the affairs of the company, the losses paid, expenses, amount of insurances and premium notes, as reported by the auditors upon settlement of the books and accounts of the company.

SECTION 4. Any member of the company sustaining a loss within the purview of said act of incorporation, shall give notice of such loss to the secretary of the company within thirty days, accompanied with

Term of service.

Vacancies, how supplied.

No vote to be taken by proxy.

Auditors.

Term of service.

Duties.

Suits.

Members sustaining loss to give notice, &c.

What amount of
loss sustained, to
be paid.

Proviso.

a statement of the nature and amount of his loss sustained: upon such notice the secretary shall give notice to the board of directors to inquire into said loss, and settle and determine the loss sustained, of which notice is given as aforesaid; which said loss, to be settled and to be paid by the company, shall in no case exceed three-fourths of the actual loss sustained by such member, and the amount to be paid not to exceed the amount called for as insured in the policy: the board of directors, after having ascertained the amount of loss sustained as aforesaid to be paid, shall direct the secretary to make an order to the member having sustained such loss for the amount to which he may be entitled as aforesaid, binding the said company for the payment thereof, with legal interest from the date of the occurrence of such loss, and in said order direct the treasurer from the funds of the company to pay said amount of order with interest as aforesaid, on the first day of March next following the date of such loss sustained: *Provided*, That such loss occurred previous, and notice thereof given before the first day of December in each year, that the necessary assessments required to be made on the premium notes for the payment of losses, be made annually immediately after the first day of December in each year; and the members are required to pay such amount of assessment on their respective premium notes to the secretary of the company, or such agents or collectors as may be authorized by the board of directors before the first day of February in each year; and those members who neglect or refuse to pay, and have neglected to do so before the first day of February in each year, their respective portions so required to be paid for the payment of losses as aforesaid, the insurance of such delinquent members to be suspended until payment made; and if not made before the first day of May next following, the insurance of such delinquent to be marked cancelled, and be null and void, and of no effect by reason of such delinquency; and on neglect or refusal of a member to pay the sum assessed upon him as a proportion of any loss to be paid in such case, said company may sue for and recover the whole amount of his or her deposit note or notes, with costs of suit; and the amount thereof collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have occurred, and the balance, if any remain, shall be returned to the party from whom it was collected upon his demand for the same.

SECTION 5. That so much of the act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 360.

AN ACT

To incorporate a company to build a plank road from Titusville, in Crawford county, to Warren, in Warren county; and relative to mechanics' liens, and school districts in Carbon county; to the borough of Milton, in Northumberland county; to the elections in Franconia township; and the borough of Norristown; and to tax collectors in Montgomery county; and to the courts of Bucks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Warner Perry, Selden Spencer, O. Carpenter, William Duncan, E. Brewer, William Robinson, James R. Kerr, John Robinson, E. B. Lee, E. Hyde, John Waid, E. H. Chase, John M. Titus, S. S. Bates and such others as may hereafter become associated with them, are hereby declared to be a body corporate in deed and in law, by the name, style and title of "The Titusville and Enterprize plank road company," and by that name have perpetual succession, and all the privileges and franchises of a corporation; and capable of holding their capital stock, and enlarging the same in such manner as they may think proper, and of buying and holding such real and personal estate as may be necessary to construct said plank road, and of suing and being sued, and all other matters and things which a corporation may lawfully do. Commissioners.
Style.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares of twenty-five dollars each share: *Provided,* That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act. Capital stock.

SECTION 3. That the said company shall have the power to construct a plank road from Titusville, in Crawford county, to Warren, in Warren county, by such route as shall be deemed best and most practicable, and shall have power to lay the track of the same upon any public or private road that shall be deemed necessary; and the directors shall have the same power as road commissioners in Crawford county, and be governed by the same regulations and laws in regard to closing or altering any road superseded by the same, and shall be subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, excepting so much as is altered by this act; and excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of greater width than four inches; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to the width of the wheels in any case. Location.

SECTION 4. That when the company hereby incorporated shall have finished two miles or more of road, the president thereof may give notice to the governor, who shall thereupon do and perform the duties prescribed in the twelfth section of the said act of the twenty-sixth day of January, one thousand eight hundred and forty-nine. Notice to be given the governor when two miles are finished

SECTION 5. That the said company shall have power to extend the said road so as to connect with the Meadville, Allegheny and Brokenstraw plank road, at any point on the said road that the directors may deem proper, or extend the same in the direction of Meadville, Crawford county, on any other route that the directors of said company may locate, and to the Allegheny river, at Tidioute, and if necessary along the said river to Warren; and shall have the right to make use of any part of the road formerly occupied or located by the Warren and Franklin turnpike company, and locate upon the same ground: *Provided*, That such parts of said road is not occupied prior to January first, one thousand eight hundred and fifty two, by the company incorporated by an act, entitled "An Act to incorporate a company to build a turnpike or plank road from Warren, in Warren county, to Franklin, in Venango county," approved the nineteenth day of February, one thousand eight hundred and forty-nine.

SECTION 6. That whenever two hundred shares shall be subscribed, of twenty-five dollars each share, any three stockholders may call a meeting by putting up written or printed notices in at least six of the most public places along said contemplated road, for the election of one person as president, one person as superintendent, and three persons as directors, who, together shall form an executive board, and one person as treasurer, and shall hold their offices for the term of one year, and until their successors are elected.

SECTION 7. That so much of the act, entitled "An Act authorizing the governor to incorporate the Meadville, Allegheny and Brokenstraw plank road company," approved the twenty-fourth day of March, one thousand eight hundred and forty-nine, as relates to the lateral branch to Tidioute, is hereby repealed; and the stock subscribed specifically for said lateral branch may be transferred to the company hereby incorporated, at the option of the subscribers.

SECTION 8. That if said company shall not commence the construction of their road within three years after the granting of this charter, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

SECTION 9. That from and after the passage of this act, the act, entitled "An Act relating to the lien of mechanics and others upon buildings," passed the sixteenth day of June, one thousand eight hundred and thirty-six, shall be and the same is hereby extended and declared to be in full force and operation in the county of Carbon; and mechanics and others in said county, shall have like remedy under the said act as though it was herein enacted and recited at full length.

SECTION 10. That the act, entitled "An Act to include within the borough of Milton, Northumberland county, a certain lot of ground belonging to Martha M. Davison," approved the nineteenth day of April, one thousand eight hundred and forty-three, be and the same is hereby repealed.

SECTION 11. That the sixteenth section of an act, entitled "An Act relative to election districts," passed the nineteenth day of February, A. D., one thousand eight hundred and fifty, shall not be so construed as to make the borough of Mauch Chunk a separate school district, but the borough and township of Mauch Chunk shall be and remain in all respects one school district, as if said act had not been passed.

SECTION 12. That hereafter the qualified voters of Franconia township, in the county of Montgomery, shall hold their general and township elections at the public house of Tobias Gearhart, in said township.

SECTION 13. That hereafter the election held on the third Friday of March, in the borough of Norristown, Montgomery county, for borough and township officers, the polls shall be opened between eleven and twelve in the forenoon, and close at eight o'clock in the evening.

SECTION 14. That the ninth section of an act, entitled "An Act to incorporate a female seminary in Landisburg, Perry county, and for other purposes," approved the twelfth day of June, one thousand eight hundred and forty, relating to the tax collectors in the county of Montgomery, be and the same is hereby restored in full force and effect; and that all other acts inconsistent herewith be and the same are hereby repealed.

SECTION 15. That hereafter the several courts of Bucks county shall commence on the first Monday in December, instead of the first Monday in November as heretofore, and that the several terms of the court of quarter sessions of said county shall continue during the same time as the courts of common pleas.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 361.

AN ACT

To authorize the governor to incorporate the Wissahickon turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That J. M'Crea, M. D. Charles, Thomson Jones, Joshua Comly, Joseph Middleton, John Cook, Thomas Livezy, William Ely, Nicholas Rittenhouse, junior, Samuel V. Rex, Jacob Sheetz, Benjamin Baker, William D. Kelly, John Rex, Owen Sheridan, George W. Carpenter, William Miller, Charles Megargee, J. K. Mitchell, M. D., Peter Wright, James F. Nicholas, Nathan L. Jones, Alfred Crease, Augustus L. Roumfort, Francis W. Weist and George Shetsline be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The Wissahickon turnpike road company," with power to construct a turnpike road, commencing at the Ridge turnpike, in the county Philadelphia, at or near Robeson's mill, and extending along the Wissahickon creek, and if necessary, across the several county bridges, which shall be kept in repair by the said company, to the line road between Philadelphia and Montgomery counties; thence along the said road to the Chestnut

Subject to provisions of certain act. Hill and Springhouse turnpike, at or near Flourtown; subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto.

Capital stock. SECTION 2. The capital stock of the said company shall consist of six hundred shares, at twenty-five dollars each: *Provided*, Said company may, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act.

Commencement and completion of road. SECTION 3. That if said company shall not commence the construction of their road within two years, and complete the same within five years after the passage of this act, it shall be null and void, except so far as it is necessary to settle up the affairs and pay the debts of the company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 362.

A FURTHER SUPPLEMENT

To the act incorporating the Catawissa, Williamsport and Erie railroad company; relative to the Bloomsburg railroad and iron company; to deeds and titles to lots in the town of M'Keesport; and repealing the first section of an act passed in eighteen hundred and forty-four, in relation to certain state roads.

Catawissa, Williamsport and Erie railroad company authorized to extend their road. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said company to construct and extend their railroad, under the provisions of their charter, to the borough of Danville, in the county of Columbia.

Bloomsburg railroad and iron company authorized to subscribe, &c. SECTION 2. That the president of the Bloomsburg railroad and iron company is hereby authorized to subscribe to the stock of the Catawissa, Williamsport and Erie railroad company, to an amount which shall not exceed one-eighth of the stock of said company.

First section of certain act relative to the Pittsburgh and Steubenville turnpike road, repealed. SECTION 3. That the first section of an act supplementary to an act authorizing the laying out of certain state roads, and for other purposes, passed the tenth day April, one thousand eight hundred and twenty-eight; and a supplement to an act to authorize the governor to incorporate a company to erect a bridge over the Little Conemaugh, at Johnstown, Cambria county, approved eleventh day of March, one thousand eight hundred and forty-four; the supplementary act first named, ap-

proved the second day of April, one thousand eight hundred and forty-nine, be and the same is hereby repealed.

SECTION 4. The titles to certain lots situated in the borough of M'Keesport, in the county of Allegheny, made by Nathaniel Holmes and John M. Snowden, as treasurers of the aforesaid county of Allegheny, on sales made in pursuance of the laws of this commonwealth, directing unseated lands or grounds to be sold for taxes assessed and unpaid, are hereby declared to be legal, valid and fully confirmed, to all intents and purposes; and that no informality or irregularity in the mode or manner of assessment of taxes made in the borough of M'Keesport as aforesaid, on the lots returned to the commissioners of Allegheny county, for the years one thousand eight hundred and thirty-two, thirty-three, thirty-four and thirty-five, and sold by said commissioners in the years one thousand eight hundred and thirty-four and thirty-six, shall invalidate or render illegal any such sales; and the deeds made and executed in pursuance of said sales, shall be deemed and held to be legal and valid, as if no such informality or irregularity had occurred.

Titles to certain lots situate in the borough of M'Keesport, Allegheny county, made valid.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 363.

AN ACT

Authorizing the trustees of the Constitutional Presbyterian congregation of Donegal township, Westmoreland county, to sell and convey certain real estate; extending certain road laws to the counties of Westmoreland and Washington; incorporating the Greensburg, Sewickly and West Newton turnpike and plank road company; relative to Mifflin and Randolph streets and Lehigh avenue, in the county of Philadelphia; to the time of holding the borough elections in Adams-town; authorizing the school directors of the North-west ward of the city of Reading to borrow money; and the trustees of the Buffalo English congregation in Saville township, Perry county, to sell real estate.

WHEREAS, The Constitutional Presbyterian congregation, commonly known as the New School congregation of Donegal township, Westmoreland county, some years since erected a church or house of worship for the use and occupation of said congregation, in the township and county aforesaid, that there are debts for the erection of said house yet unpaid, and to which the said congregation are unable to pay, and that owing to the inability of said congregation to support a minister, and have no longer any use for said house as a house of worship; therefore,

Preamble.

Trustees of the Constitutional Presbyterian church in Donegal township, Westmoreland county, authorized to sell certain real estate.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That Samuel M'Dowell and Frederick Weller, acting trustees of said congregation are authorized and empowered to sell at public sale, and convey said house, and the lands and appurtenances thereunto belonging, and to make a good and sufficient deed for the same: <i>Provided,</i> That the said trustees, before they shall make such sale, shall give security to be approved by the court of common pleas of Westmoreland county, that they will well and faithfully appropriate the proceeds of the sale of said real estate to the payment of the debts, and the remainder, if any, to be distributed as a majority of said congregation may direct, and that said court shall first authorize said sale.
Certain act relative to roads and bridges extended to Westmoreland and Washington counties.	SECTION 2. That the provisions of the act of the thirteenth April, one thousand eight hundred and forty-three, entitled "An Act supplementary to an act, entitled 'An Act relating to roads, highways and bridges,'" be and the same are hereby extended to the counties of Westmoreland and Washington.
Commissioners.	SECTION 3. That David Fullwood, John Kuhns, James Woods, John Rugh, George Hammer, John Harrold, C. R. Painter, John Sowash, William Hissem, John Painter, Thomas Mitchell, John Thompson, James Kelly and Jacob Null of Westmoreland county, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of
Style.	"The Greensburg, Sewickly and West Newton turnpike and plank road company," with power to construct a turnpike or plank road, or a road part turnpike and part plank, from Greensburg, in Westmoreland county, to Jackson Null's, being the junction of the Somerset and Washington turnpike with the Pittsburg turnpike, in said county, by such route as may be agreed upon and adopted by the stockholders or a majority of them, at a meeting to be called for that purpose; subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement to said act, approved the seventh day of April, one thousand eight hundred and forty-nine.
Location.	
Subject to provisions of certain act.	
Capital stock.	SECTION 4. That the capital stock of said company shall consist of one thousand five hundred shares, of twenty-five dollars per share: <i>Provided,</i> That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase the capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act.
Commencement and completion of road.	SECTION 5. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.
Mifflin street, Kensington, Philadelphia county, to be laid out.	SECTION 6. That Mifflin street, in the district of Kensington, in the county of Philadelphia, be laid out as a public highway, fifty feet wide from Masters' street southward, at the distance of one hundred and ninety feet westward from Fifth street, and parallel therewith to Thomson street; and that Randolph street, in the district of the Northern Liberties, and county aforesaid, be continued northward a public highway forty feet wide, at the distance of one hundred and forty-nine feet eastward from Sixth street, and parallel therewith to said Thomson street; and said streets shall be opened according to existing laws for opening streets and highways in the city and county of Philadelphia.
Randolph street to be continued.	

SECTION 7. That Marsh street, from the east side of Front street to the west side of Cohocksink creek, in the incorporated district of the Northern Liberties, county of Philadelphia, be and the same is hereby widened to the width of fifty feet, so as to be parallel to the north and south line of said Marsh street, as now laid out and opened in the district of Kensington, in said county; and the board of commissioners of said incorporated district of the Northern Liberties, in said county, may direct a plan of said Marsh street, to be made and confirmed as is now provided by law.

Marsh street
widened.

SECTION 8. That hereafter the width of Lehigh avenue, in the county of Philadelphia, from the west side of the Germantown turnpike road to the river Schuylkill, shall be eighty feet, and it shall be so marked on the plan of the county of Philadelphia.

Lehigh avenue,
width of.

SECTION 9. That the provisions of the fourth section of the act incorporating the borough of Adamstown, shall be so construed that the first election for borough officers may be held on the first Friday of May next; and that the officers thus elected shall continue in office until the day designated in said act.

Construing 4th
sec. of the act
incorporating
Adamstown.

SECTION 10. That the school directors of the North-west ward of the city of Reading, be and are hereby authorized to borrow any sum of money, not exceeding three thousand dollars, and to secure the repayment of the same, by judgment or mortgage, on the real estate of said board of school directors in the ward aforesaid.

School directors
of the North-
west ward, Read-
ing, authorized
to borrow money.

SECTION 11. That George Baker and Alexander Johnson, trustees of the Buffalo English Presbyterian congregation in Saville township, Perry county, be and they are hereby authorized to sell and convey, either at public or private sale, as shall be most advisable, the following described lot of ground, which was conveyed to Charles Elliott in trust, for the use and behoof of the said congregation, to wit: beginning at a post; thence by land of Peter Kochenderfer, now Kochenderfer's heirs, north forty-one degrees west thirteen perches to a post; thence down the great road north eighty-two degrees east eight perches to a post; thence by land of James Sanders (now Philip Kell) south twenty-nine and a half degrees east ten perches to the place of beginning, containing about sixty-eight perches of ground, together with the old church edifice thereon, and make a good and sufficient deed of such title as was vested in the said Charles Elliott to the purchaser or purchasers, and apply the proceeds of the sale to the use of the said congregation in the erection of a new church in the town of Ickesburg, within their bounds.

Trustees of the
Presbyterian
church in Sa-
ville township,
Perry county,
authorized to sell
certain real es-
tate.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 361.

AN ACT

To vest in Barbara Griffith and Polly Conrad certain supposed escheated personal estate; to incorporate the Delaware and Schuylkill plank road company; and relative to market stalls in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the right, title and claim which this commonwealth may have acquired, or now has by reason of any escheat or supposed escheat from the want of heirs, or any known kindred of a certain Henry Griffith, late of the county of Delaware, drover, deceased, in and to the personal estate of which he died possessed, or to which he was entitled, be and the same is hereby granted to and vested in Barbara Griffith, his mother: *Provided,* That no other right or interest of the said commonwealth, except that derived by virtue of the said supposed escheat, shall pass by this act, nor shall the right or interest of any individual or individuals be in anywise affected or impaired thereby.

SECTION 2. That all the right which this commonwealth may have, or might have acquired, by reason of an escheat in and to all the personal property of which William Bucher, deceased, of Berks county, was possessed, is hereby vested in his mother, Polly Conrad, of the said county, in the same manner as if the said William Bucher had been a legitimate child.

SECTION 3. That George Hollick, William Harmer, Jacob Sink, Marshall Sproggell, J. W. Paul, John C. Montgomery, William N. Beebe, Alfred Coffin, James Page, John Stierley, S. B. Lassalle, William Reed, James Crissy, William G. Alexander, Ferdinand Dreer, Charles W. Bender, John Oakford, Jesse Johnson, Edward G. Webb, John W. Ryan, William F. Hughes, John K. Kane, Edward King, John Poole, or any nine of them, are hereby appointed commissioners to open the books, receive subscriptions and organize a company, by the name, style and title of "The Delaware and Schuylkill plank road company," to locate and construct a plank road, or a road partly of plank and partly of other material, from the termination of Greenwich street, on the river Delaware, along the several courses and distances of said river Delaware, to the mouth of the river Schuylkill; thence up the east side of said river Schuylkill, to the termination of Southerland avenue, at or near South street, on the river aforesaid.

SECTION 4. That said company may, if they deem it proper, use any road or street that may be traversed or crossed in the route aforesaid, with the exception of the road known as the Point House road, running from Greenwich street, in Southwark, to the point of land called Greenwich Island Point, which said road shall continue as heretofore, free from toll or charge of any kind; the said company being permitted to cross said road at any point near or at said Greenwich Island Point.

SECTION 5. That the capital stock of said company shall consist of ten hundred shares, of twenty five dollars per share, and that should that sum be insufficient to complete the road, that the company may

Title to certain
escheated estate
vested in Barba-
ra Griffith.

Title of certain
escheated estate
vested in Polly
Conrad.

Commissioners.

Style.

Location.

May use roads,
&c., that may
be traversed, &c.

Capital stock.

from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such amount as in their opinion shall be requisite to complete said road, according to the true intent and meaning of this act.

SECTION 6. That said company shall be subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, except sections twelve and thirteen of said act, so far as the same is not inconsistent with the provisions of said act. Subject to provisions of certain act.

SECTION 7. That if the said company shall not commence the construction of said road within one year from the passage of this act, and complete the same within three years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company, and pay the debts of the same. Commencement and completion of road.

SECTION 8. That the directors of said road shall be at liberty to impose such rates of toll for the use of said road, as may be deemed necessary for the maintenance of the same, and expedient for the public good: *Provided*, That such rates of toll shall, before they shall be collected, be submitted to, and approved of by the court of quarter sessions, who are hereby authorized to modify and adjust the same, as to them shall appear equitable and just. Rates of toll.

SECTION 9. That from and after the passage of this act, it shall be lawful for any farmer who is or may be a renter of a stall in any market in the city of Philadelphia, which is or may be appointed to the use of farmers, to authorize any other person, (being a farmer,) to occupy such stall for the sale of farmers' produce, as fully as he the said lessee is authorized to do: *Provided*, Such lessee shall, when required, make return to the city clerk of all persons who may be renters under him. Lawful for farmers who are renters of stalls in Philadelphia, to authorize others to occupy the same, &c.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 365.

A N A C T

To incorporate the Lancaster cemetery; relative to a tavern license in Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

John H. Duchman, Benjamin C. Bachman, William Gleim, William Hubert, C. M. Howell, Dr. Charles Herbst, James B. Lane, David Longenecker and A. G. Helfenstine, and all such other persons as are now or may hereafter become purchasers of lots in the Lancaster cemetery, be and they are hereby made a body politic and corporate in law, under the name, style and title of "The Lancaster cemetery;" and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, and to sue and be sued, plead and be impleaded, and to do all such other act and acts, thing and things as are incident to a corporation.

SECTION 2. That John H. Duchman, Benj'n C. Bachman, William Gleim, Wm. Hubert, C. M. Howell, Dr. Charles Herbst, James B. Lane, David Longenecker and A. G. Helfenstine shall be and they are hereby constituted the managers of the said Lancaster cemetery, and until their successors shall be elected in the manner hereinafter provided for; and they and their successors shall have full power and authority to purchase, and from time to time to take, by gift, devise or bequest for the purpose of a cemetery as aforesaid, the nine acres and one hundred and ten perches of land, and any other land or lands now held and owned, or authorized to be held and owned under an act of assembly of this commonwealth, by the German Reformed church of the city of Lancaster, or any other land or lands, so that the whole quantity of land to be held by them shall not exceed forty acres; and they shall have full power and authority, under resolution, to borrow money on bond or note; and further, under the hand of the president and the corporate seal, attested by the secretary, to mortgage the whole or any portion of such land, for the payment of money borrowed in purchasing such land or making improvements: *Provided however*, That the lien of any mortgage, and the proceedings thereon had, shall not affect the rights of any lot-holder who shall have purchased any lot prior to the recording of such mortgage.

SECTION 3. That Peter Long, David Longenecker and Philip K. Brenneman, trustees of the German Reformed church of the city of Lancaster, or a majority of them, are hereby fully authorized, empowered and directed to sell and convey, under their hands and seals, or the hands and seals of a majority of them, the aforesaid nine acres and one hundred and ten perches of land, and any other lands thereunto belonging, which they may hold under any deed or deeds of conveyance to them, in trust for the use of the German Reformed church of the city of Lancaster, or by whatever other name the said congregation may be incorporated or known, unto the said John H. Duchman, Benj'n C. Bachman, William Gleim, William Hubert, C. M. Howell, Charles Herbst, James B. Lane, David Longenecker and A. G. Helfenstine, managers of the Lancaster cemetery hereby incorporated, and their successors, for such consideration, and upon such terms and conditions as may be agreed on by the said parties, in fee simple, forever in trust for a place of burial for the dead.

SECTION 4. It shall be the duty of the said John H. Duchman, Benj'n C. Bachman, William Gleim, Wm. Hubert, C. M. Howell, Dr. Charles Herbst, James B. Lane, David Longenecker and A. G. Helfenstine, managers hereinbefore named, by notice given in at least two English and one German newspaper published in the city of Lancaster, for not less than three weeks, to call and order an election, at such place as may be most convenient, in the city of Lancaster, on the first Tuesday of February next, for the lot holders in said cemetery to elect, by ballot, nine trustees from amongst themselves, who shall at their first meeting after their election, select from among themselves a

president, secretary and treasurer, which said last named officer shall be required to give bond, with sufficient security, to be approved of by the managers, for the faithful accounting and disbursing of the moneys which may come to his hands; and they shall further divide themselves by lot into three classes, one-third of whom shall serve for three years, one-third for two years, one third for one year: and annually thereafter on the first Tuesday of February, the lot-holders shall elect, by ballot, three managers to serve for the term of three years: *Provided* however, That the lot-holders may and shall have full power and authority at any general meeting called for said purpose, to change and alter the mode and manner of electing managers.

SECTION 5. Whenever any vacancy shall happen or occur in said board of managers, by death, resignation, removal or otherwise, the remaining managers shall have full power and authority to supply the same; but such appointment shall not extend beyond the unexpired term of service of the person whose vacancy is supplied; and the said managers and their successors shall have full power and authority to take, have and hold so much personal property and estate as may be necessary for the right use, improvement and enjoyment of the said property; and to take, have and hold any grant, donation or bequest, upon trust, to apply the same for the improvement of the said cemetery, the building of a chapel, and such houses and out buildings as may be found necessary to accommodate the person or persons employed to attend to the same, and also to the building and erecting of any fences around and about the same.

SECTION 6. It shall be the duty of the said managers and their successors in office from time to time, as the funds shall permit, to arrange, lay out and ornament the said cemetery, as a place of burial, into lots or sub-divisions, as they shall deem to be expedient; and to plant and embellish the same with trees, shrubbery, flowers, walks, avenues and other ornaments; and a majority of them shall have power, at any time, to make, alter and amend all such by-laws, rules and regulations as they may deem necessary and proper in relation thereto; and they and their successors are hereby authorized and empowered to sell and convey any such lot or lots, by deed under the hand of the president, and the seal of the corporation, attested by the secretary, to the purchaser or purchasers of the same, with this restriction, that the same shall not be used for any other purpose than for the burial of the dead, and which shall not be transferable, except with the consent of three of the managers for the time being; and the said lots shall not be liable to be levied upon or sold for debt, or be subject to taxes: *Provided* however, That such exemption from levy and sale for debt shall not extend to more than four lots as held by any one individual.

SECTION 7. It shall be the duty of the said managers and their successors, and they are hereby authorized and empowered upon any person or persons having or holding any deed or deeds, for any lot or lots purchased from the minister, trustees, elders and deacons of the German Reformed congregation, and executed to him, her or them by the trustees of the said German Reformed congregation, in conformity with the provisions of the act, entitled "An Act to incorporate the Lancaster cemetery in the city of Lancaster," passed the eighth day of March, one thousand eight hundred and forty-eight, upon the surrender of the same to the managers named in this act, or their successors, to receive the same, and thereupon to make, sign, seal and execute at the cost of such person or persons, a new deed or deeds for the same lot or lots in the same manner as is hereinbefore provided for, and as held by him, her or them: *Provided* always, That such person or persons as may not

Officers.

Proviso.

Vacancies, how supplied.

Duty of said managers.

Lay out and ornament said cemetery.

By-laws.

Further duties.

Make new deeds.

choose so to surrender his, her or their deed or deeds as aforesaid, given, signed, sealed and executed by the trustees of the said German Reformed congregation of the city of Lancaster, and receive in lieu thereof such new deed or deeds, shall nevertheless preserve and retain all his and her and their rights, as fully and effectually, and be to all intents and purposes members of the said corporation hereby created, as if such deed or deeds had been duly surrendered and new ones had been issued therefor.

Penalty for opening graves, &c.

SECTION 8. If any person or persons shall open any grave or tomb in the lands of the said cemetery, and clandestinely remove or attempt to remove any body or remains therefrom, such person or persons upon conviction thereof in the court of quarter sessions of Lancaster county, shall be sentenced to undergo an imprisonment in the county prison, for any period not less than one nor more than five years, and pay a fine of not less than five hundred dollars; and any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, or other structure placed in the cemetery aforesaid, or shall wilfully destroy, cut, break or remove any tree, shrub or plant within the limits of said cemetery, or shall commit any nuisance in or about the same, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before any alderman of the city of Lancaster, or before any justice of the peace of the county of Lancaster, be punished by a fine at the discretion of the alderman or justice, of not less than ten nor more than one hundred dollars, the one-half of such fine to go to the Lancaster cemetery, and the other half to the informer.

Court of quarter sessions of Lancaster county authorized to grant Henry Shaffner license to keep a public inn.

SECTION 9. That the court of quarter sessions or common pleas of Lancaster county, is empowered to grant to Henry Shaffner, of Mount Joy township, in said county, license to keep an inn or tavern in said township, under the regulations prescribed in the act of March eleventh, one thousand eight hundred and thirty-four, and the said license may be granted by the said court at such time as they may deem proper: *Provided*, That said license shall not be granted except on the certificate required by the fourth section of the act of March eleventh, one thousand eight hundred and thirty-four, entitled "An Act relating to inns," &c.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 366.

A N A C T

To incorporate the Cecilian musical beneficial association of Philadelphia, instituted February third, one thousand eight hundred and forty-nine; and relative to the water works of Spring Garden.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That A. R. Brieter, Charles A. Boyer, Charles Beck, George Bastert, Henry Beck, James M. Beck, Jacob William Beck, Benjamin Carr Cross, William Carl, William P. Cunningham, Henry Hassler, Henry Haedrick, Charles L. Haedrick, Golieb Kappes, Edward Koch, A. William Kellner, Augustus Korndorfer, L. Meigen, Charles A. Mintzer, E. Manuel, R. Rasche, F. Rink, Adolph Schmitz, C. F. Stoltz, William Stoll, A. Reinhart, L. A. Tschirner, Septemus Winner, Benjamin G. S. Wilks, and their successors, and all persons who now are or hereafter may be associated with them, be and they hereby are created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Cecilian musical beneficial association of Philadelphia," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in any court of law or equity and elsewhere, and shall be able and capable in law and equity, to take and hold to them and their successors, either by grant, gift, devise or lease any lands or real estate; and also to take and hold for the use of said association, any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest or otherwise, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell for the use of said association, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs of said association: *Provided,* That the real estate of said corporation shall not exceed the net yearly income of five thousand dollars.

Corporators.

Style.

Privileges.

SECTION 2. The object of this association shall be the relief of its members in case of sickness, the defraying the expenses of the funerals of members and their families, and such other cases of distress as shall be defined by the by-laws.

Object.

SECTION 3. The officers of this association shall consist of a president, vice president, secretary, treasurer, auditor, messenger, counsellor and physician, and such other officers or committees as the association may think proper to appoint from time to time by their by-laws; the president, vice president, secretary and treasurer shall be professors of music.

Officers.

SECTION 4. The officers of this association shall be elected annually at a stated meeting, at such time and place as shall be provided for in the by-laws.

Annual election.

SECTION 5. Vocalists, instrumental performers, manufacturers of musical instruments, teachers of the theory or practice of music, sellers and engravers of music, and generally such and other persons as may

Who may become members.

be either in whole or in part connected with the science of music, may become members of this association.

Entrance money, &c. SECTION 6. Each person on being admitted a member of this association shall sign the constitution, and pay such entrance money and monthly and other dues and contributions as the association may by their by laws from time to time resolve and declare.

Expelling members. SECTION 7. A member may be expelled under such provisions as shall be stated in the by-laws.

Widow and orphan fund. SECTION 8. A widow and orphan fund may be created by giving public concerts, or by other means, the benefits of which shall devolve on the families of performing members, however non-performing members may participate in said benefits, under such conditions as shall be adopted in the by-laws.

Honorary members. SECTION 9. Persons may be admitted as honorary members under such regulations as shall be stated in the by-laws.

Duties of officers. SECTION 10. The duties and rights of the officers and members, the mode of supplying all vacancies, the times and place of meeting, the number required for a quorum, the terms of admission, the mode of electing members, and any other concerns of the association, shall be regulated by the by-laws hereafter to be made.

By-laws. SECTION 11. The corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the laws of the United States or of this commonwealth: *Provided*, That the legislature reserve the right to amend, alter or annul this act at any time hereafter.

Proviso. SECTION 12. That from and after the passage of this act, it shall be the duty of the commissioners of the district of Spring Garden, from time to time, to invest the surplus funds arising from water rents, in the water loans, if the same can be purchased at or under par, or in the loan of the said district, bearing date prior to the passage of this act; and that an investment of such surplus, or any part thereof in any other loan or security, or the payment by the treasurer of said district, of any moneys set apart as a sinking fund for any other purpose than is directed by this section, shall be deemed a misdemeanor in office; and the said treasurer, with his securities, shall be liable to the commissioners of said district for the whole amount thus misapplied, to be recovered as debts of like amount are by law recoverable: *Provided*, That the payment of the interest on said water loans, and all the necessary expenses of renewing said works, and of working and keeping the same in good repair, shall first be paid before any moneys are set apart for said sinking fund: *Provided further*, That the commissioners aforesaid shall have power to pass such laws and ordinances as they may deem necessary to carry out the provisions of this section in full force and effect; and that the president of the board of commissioners, the treasurer of the district, and the chairman of the committee of ways and means, shall be constituted a board to carry into effect, fully and effectually, the provisions of this section.

Commissioners of Spring Garden authorized to invest surplus funds in the water loan, &c.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 367.

SUPPLEMENT

To an act, entitled "An Act authorizing the governor to incorporate the Mahoning, Kittanning and Freeport turnpike road company, and for other purposes," approved the second of April, eighteen hundred and thirty-eight; authorizing Benjamin Tyson to sell certain real estate; and relating to the claim of John Miller.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for the completion of the Butler and Emlenton turnpike road be and the same is hereby extended for a period of five years from and after the passage of this act; and that all acts and proceedings done and performed consistent with the provisions of the act to which this is a supplement, since the expiration of the time fixed therein for the completion of said road, be and the same are hereby declared as valid, to all intents and purposes, as if the time for the completion of said road had not expired.

Time for the completion of the Butler and Emlenton turnpike road extended.

SECTION 2. That so much of the one hundred and eighth section of the act aforesaid as authorizes the election of ten managers, is hereby repealed, and in lieu thereof the number to be elected at the next annual election, and annually thereafter, shall be five managers, a majority of whom shall form a quorum for the transaction of business; and so much of the one hundred and twelfth section of said act as is hereby altered, be and the same is hereby repealed.

Number of managers reduced.

SECTION 3. That Benjamin Tyson, guardian of Rebecca Cresswell, a minor child of James R. Cresswell, late of West Nantmeal township, Chester county, deceased, is hereby authorized and empowered to sell at public or private sale, at such price or prices, and on such terms of payment as he may deem expedient and most conducive to the interest of said minor child, all the estate, right, title and interest of the said Rebecca Cresswell in or to a certain tract of land, situate in said West Nantmeal township, Chester county, mentioned by the said James R. Cresswell, in his last will and testament, as the farm on which he, the said testator, resided; such sale or sales to vest all the title therein belonging to the said minor; and the said guardian is hereby authorized to make title by deed to the purchaser or purchasers: *Provided however,* That before any such sale or sales be made, the said guardian shall enter into a bond, with sufficient surety, to be filed in, and approved by the orphans' court of Berks county, which shall also first approve of said sale, conditioned for the faithful and legal application, as guardian, of the proceeds of sale or sales: *And provided further,* That a certified copy of the record of such bond, and approval by the court, may be filed and recorded in the orphans' court of the county of Chester, and thus become evidence for every legal purpose.

Guardian of Rebecca Cresswell authorized to sell certain real estate.

SECTION 4. That the canal commissioners be and they are hereby authorized and directed to examine the claim against the commonwealth, of John Miller, for railroad cars said to have been destroyed by fire, at the top of plane number five, on the Portage railroad, on the morning of the twenty-first day of September, one thousand eight hun-

Canal commissioners authorized to examine the claim of John Miller.

dred and forty-eight; and if they shall ascertain that such cars were destroyed in consequence of any neglect or misconduct on the part of any state agent or officer, they shall report the amount due, if any, to the legislature.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 368.

AN ACT

For defraying the expenses of the investigation in the case of the Freeport aqueduct; relative to the construction of a lock or schute on the French Creek feeder dam; to the payment of interest on the bonds and certificates of the Erie canal company; to glass manufactories; to fines collected in Lawrence and Schuylkill counties; to the fees of prothonotaries; to taxes in Schuylkill county; authorizing the canal commissioners to inquire into the claim of James P. Laughlin, for damages; relative to the draft of the village of Klecknerville, in Crawford county; and to a survey and map of the village of Tioga, in Tioga county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums are hereby specifically appropriated to pay the costs and other expenses incurred in the investigation of the accounts of Alexander Power, late supervisor of the Lower Western division of the Pennsylvania canal:

Certain appropriation.

To John C. Knox.

To the honorable John C. Knox, for taking testimony under a commission from the auditor general, one hundred dollars.

Costs of witnesses.

To pay the costs of witnesses, computing their pay at seventy-five cents per day, and six cents per mile circular, one thousand and seven teen dollars and fifteen cents, (1,017 $\frac{15}{100}$.)

To Francis Daugherty.

To Francis Daugherty, for assistance rendered in preparing the testimony, twenty dollars.

To W. A. Golden.

To W. A. Golden, for bringing G. W. Ross before the commission on an attachment, five dollars.

To Lewis Brenneman.

To Lewis Brenneman, for use of room, and for furnishing fuel and light, twenty dollars.

To John F. M'Culloch.

To John F. M'Culloch, agent of the commonwealth, for money and time spent in subpoenaing witnesses, and the time devoted in preparing and attending to the presentation of the testimony, two hundred dollars.

Time for the construction of

SECTION 2. That the time fixed for the construction of a lock or schute on the French Creek feeder dam, and a bridge across the She-

nango pool, by the third section of an act, entitled "A supplement to an act to authorize the governor to incorporate the Erie canal company," certified the twenty-fourth day of January, one thousand eight hundred and forty-nine, be and the same is hereby extended to the first day of October, one thousand eight hundred and fifty-one: *Provided*, That said company shall put said lock or schute and bridge under contract by the first day of July next, and finish the same as directed in said supplement, by the first day of October, one thousand eight hundred and fifty-one.

SECTION 3. That the payment of the interest that has or may fall due upon the bonds and certificates of the Erie canal company, shall, when voluntarily received in money and certificates of indebtedness, be so far a compliance with the fourth section of the act recited in the preceding section.

SECTION 4. That the provisions of an act, entitled "An Act to encourage manufacturing operations in this commonwealth," enacted the seventh day of April, one thousand eight hundred and forty-nine, shall be and they are hereby extended to companies formed for the manufacturing of glass: *Provided*, That the provisions of this section shall not extend to the city and county of Philadelphia.

SECTION 5. That so much of any fine or fines as are or may hereafter be collected by any justice of the peace in the counties of Lawrence and Schuylkill, in pursuance of any law of this commonwealth, as are or may be directed to be applied to the support of the poor, shall be paid by the justice before whom the same shall or may have been collected, to the treasurer of the common school fund of the proper township, for the support of the common schools in said township.

SECTION 6. That no law heretofore passed shall be so construed as to authorize any prothonotary of any court of common pleas of this commonwealth, to charge or receive any fee for the continuance of any suit or cause, unless the same shall have been placed upon the trial list of said court, and an actual continuance be agreed to by the parties, or directed by said court, and entry made by the prothonotary accordingly.

SECTION 7. That any freeholder of the county of Schuylkill, or owner of property in said county, who may feel aggrieved by any assessment of the property of such freeholder or owner, and be dissatisfied with the decision of the commissioners of the county, upon an appeal to them made from the said assessment, may appeal from the decision of said commissioners to the court of common pleas of said county; and for that purpose may present to the said court at the next term thereof, after the said commissioners shall have informed such freeholder or owner of their decision, a petition setting forth the facts of the case; and the said court shall proceed at the earliest convenient time, to be by them appointed, and of which notice shall be given to the said commissioners, to hear the said appeal and the proofs in the case, and shall make such decree, affirming or reducing the assessment complained of, having due regard to the valuation and assessment made of adjoining or neighboring estates, or property, or in the case of a double assessment of the same property, wholly striking out the one assessment complained of, as to them shall seem just and right; and if the party thus appealing shall require it, the said court, instead of hearing the case themselves, shall cause a jury of five or seven men to be drawn by the prothonotary of said court, by lot, from the last preceding panel of special jurors returned to said court, and shall issue their precept to the sheriff, requiring him to summon said jurors to attend on a day to be named in the said precept, not less than ten days after it shall be so

a lock or schute on the French Creek feeder.

Payment of interest on the bonds and certificates of the Erie canal company.

Provisions of certain act relative to manufacturing operations, extended to glass manufacturers.

Fines collected by justices of the peace in the counties of Lawrence and Schuylkill, to be paid to the treasurer of the common school fund of the proper township.

Continuance fees of prothonotaries, regulated.

Freeholders in the county of Schuylkill when aggrieved in the assessment of their property, may appeal to the court of common pleas, &c.

issued, at such place as the said court shall therein appoint; and the party appealing, and the said commissioners may attend before said jury and be respectively heard; and the prothonotary of the court shall issue subpoenas for witnesses in behalf of either the party appealing or the commissioners, to appear before the court or the said jury in the case; and any one of the said jury may administer an oath or affirmation to such witnesses before them; and the said jury shall make an award in the case, to be signed by them, or a majority of them, which award shall be good, if all those who sign it are present at the inquiry; and the said court shall make their final decree according to said award, and shall direct the party appealing to pay the costs of said venire and service, and of said jury, not to exceed one dollar for each juror, and shall have power to enforce payment thereof by attachment: *Provided*, That if there shall be more than one appeal pending in said court before the issuing of said venire, all the cases then pending and requiring a jury shall be heard and disposed of before the same jury, and the costs shall be apportioned among them; and in such case each juror shall be entitled to one dollar per diem, and no more.

Canal commissioners authorized to examine the claim of James P. Laughlin.

SECTION 8. That the canal commissioners are hereby authorized and directed to inquire into the claim of James P. Laughlin, of Armstrong county, for damages sustained by him from the public works, on the Western division of the Pennsylvania canal, at the slackwater of dam number one, on the Kiskiminetas river, and for the value of land given by the said Laughlin to the commonwealth, for a towing path at the said place, and report the amount of damages, with the facts thereof, to the legislature.

Proof of the draft of the village of Klecknerville, in Venango county, to be made before Matthias and John Kleckner, administrators of John Kleckner, deceased.

SECTION 9. That Matthias Kleckner and John Kleckner, administrators of John Kleckner, deceased, of the township of Venango, Crawford county, are hereby authorized and required to cause proof to be made by one or more witnesses, before some judge or justice of the peace, of the draft of the village of Klecknerville, in said county, and to cause the same to be recorded in the office for recording of wills and deeds in the said county of Crawford, and said draft, being so recorded, or a duly certified copy thereof, shall, in all future times, be competent evidence in any controversy respecting property, streets, alleys or boundaries in said village.

Survey of the village of Tioga authorized to be made.

SECTION 10. That William Garretson, F. E. Smith, A. C. Bush of Tioga, in the county of Tioga, be and the same are hereby authorized and required to make a survey and map and plot of the village of Tioga, as nearly as possible to the original plot and map of the same, and when the same is so made, to cause the same to be recorded in the office for recording of deeds in said county, which said map or plot and survey, or a certified copy thereof, shall be evidence in all suits respecting said lots in said village in all future time; and are also required to make and establish a centre or corner stone, which shall be permanently fixed, as evidence of said survey of said village; said commissioners shall be paid out of the township's fund, an amount not exceeding two dollars per day for all necessary time spent in so making such survey and plot.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 369.

AN ACT

To incorporate the Independence fire hose company of the district of West Kensington, in the district of Kensington, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all persons who are now members of the association, called the Independence fire hose company of the district of West Kensington, in the district of Kensington, in the county of Philadelphia, or shall be hereafter admitted members of the same, shall be and they are hereby erected and declared to be one body politic and corporate, by the name, style and title of the Independence fire hose company of the district of West Kensington, in the district of Kensington, in the county of Philadelphia, and by the same shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or otherwise, and to purchase, receive, have, hold and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of; and also make and have a common seal, and the same break, alter or renew at pleasure; and also to ordain, establish and put in circulation such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due ordering and management of the affairs thereof: *Provided, That* the clear yearly value or income of the said corporation shall not exceed three thousand dollars.

Privileges.

SECTION 2. That nothing in this act contained shall be deemed to authorize the said company to engage either directly or indirectly in any banking, moneyed, commercial or manufacturing concern; but the object of the said corporation shall be the promotion of the public good by the extinguishment of fires.

Not to engage in banking, &c.

SECTION 3. The legislature reserves the right to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators.

Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 370.

AN ACT

To authorize the governor to incorporate the Beaver Township plank road company, in the county of Crawford; and relative to the boroughs of Titusville and Conneautville, in said county; and to the claim of James T. Simonton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners, G. D. Gates, J. E. Patten, F. Manter, Calvin Gates, Scoter Griswold, William L. Hollenbeck be and they, or any three of them, are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Beaver Township plank road company;" with power to construct a plank road, commencing at a point where Fisher's road crosses the Erie canal, near Conneautville, and running west through Beaver township, to the Ohio state line, all in the county of Crawford; subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 2. The capital stock of said company shall consist of six hundred shares, of twenty-five dollars each: *Provided,* That said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may, in their opinion, be necessary to carry out the true intent and meaning of this act.

SECTION 3. The road shall consist of a track of not less than eight, nor more than fourteen feet wide, with power to lay a double track, if the company shall see proper to do so, each eight feet wide.

SECTION 4. The said company shall have power to charge and collect such tolls as shall be deemed reasonable and necessary to the maintenance of said road.

SECTION 5. That if said company shall not commence the construction of said road in three years, and complete the same within six years from the passage of this act, then this act shall be null and void, except so far as the same may necessary to wind up and settle the affairs and pay the debts of the company.

SECTION 6. That the privileges and provisions of the act, entitled "An Act to authorize the erection of a lock-up house in the borough of Birmingham, in the county of Allegheny, and to collect certain taxes therein," approved the eighth day of March, Anno Domini, one thousand eight hundred and forty-seven, be and the same are hereby extended to the borough of Titusville, and also to the borough of Conneautville, in the county of Crawford.

SECTION 7. That at the election to be held on the third Friday of March, one thousand eight hundred and fifty, in the borough of Titusville, two members of the town council of said borough shall be elected for one year, and two members for two years; and two members of the council for said borough shall be elected annually, on the third Friday of March, to serve two years.

SECTION 8. That at the election to be held on the third Friday of March, Anno Domini, one thousand eight hundred and fifty, it shall be lawful for the citizens of said borough to elect three auditors, one to serve one year, one to serve two years, and one to serve three years; and on the third Friday of March annually thereafter, to elect one auditor to serve three years. Auditors for said borough.

SECTION 9. That so much of the act incorporating the borough of Titusville, approved the thirteenth day of March, Anno Domini, one thousand eight hundred and forty-seven, as is hereby altered, amended or supplied, be and the same is hereby repealed. Repeal.

SECTION 10. That at the election to be held on the third Friday of March, Anno Domini, one thousand eight hundred and fifty, in the borough of Conneautville, two members of the town council of said borough shall be elected for one year, and two members for two years; and two members of the council for said borough shall be elected annually on the third Friday of March, to serve two years. Election of councilmen in the borough of Conneautville.

SECTION 11. That at the election to be held on the third Friday of March, Anno Domini, one thousand eight hundred and fifty, it shall be lawful for the citizens of said borough to elect three auditors, one to serve one year, one to serve two years, and one to serve three years; and on the third Friday of March annually thereafter to elect one auditor to serve three years. Auditors.

SECTION 12. That so much of the act incorporating the borough of Conneautville, approved the thirteenth day of March, Anno Domini, one thousand eight hundred and forty-seven, as is hereby altered, amended or supplied, be and the same is hereby repealed. Repeal.

SECTION 13. That the name of John T. Simonton, where it occurs in the twenty-second section of an act, entitled "An Act to provide for the ordinary expenses of the government, the repairs of canals and railroads of the commonwealth, and the payment of other claims due by the same," approved the tenth day of April, one thousand eight hundred and forty-nine, shall read James T. Simonton. Name of John T. Simonton, in the appropriation act of 1849, shall read James T. Simonton.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON

No. 371.

A FURTHER SUPPLEMENT

To an act to enable the governor to incorporate a company to make a turnpike road from the northern termination of the York and Copewago turnpike road, to the west end of the Harrisburg bridge, passed the twenty-seventh day of March, one thousand eight hundred and twenty-seven; and relative to the elections and boundary line of North Shenango township, in Crawford county.

York Haven and
Harrisburg
Bridge turnpike
road company to
be entitled to
privileges, &c.,
of certain act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the stockholders in the York Haven and Harrisburg Bridge turnpike road company shall be entitled to all the privileges and immunities, and be subject to all the restrictions contained in the act to which this is a supplement, to be applied to such consecutive portions of said turnpike, at each end thereof, as said company may be enabled to maintain in good repair: *Provided nevertheless,* That the tolls exacted shall be proportionate to those allowed by law for the entire road: *And provided also,* That the officers last elected by said company shall hold their respective offices, and exercise the duties thereof, for the term of two years from the passage of this act.

North Shenango
township, Craw-
ford county,
place of holding
elections in.

SECTION 2. That hereafter the qualified electors of North Shenango township, Crawford county, shall hold their general and township elections at the house of James G. Elliott, in said township.

Part of Pine
township attach-
ed to North
Shenango town-
ship, Crawford
county.

SECTION 3. That hereafter all that part of Pine township, Crawford county, laying west of a straight line, commencing at the south east corner of a tract of land in Conneaut township, formerly owned by Enoch D. Thomas, and in which the said Thomas now resides; thence running south until it intersects the line of North Shenango township, shall be attached to, and be a part of North Shenango township, in Crawford county, for all township and county purposes.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 372.

AN ACT

To prevent the hunting of deer with dogs in the county of Centre, in the townships of Logan, Greene, Lamar and Porter, in Clinton county, and the townships of Armstrong and Clinton, in the county of Lycoming; in relation to fishing with seines and nets in Centre county; and relative to the Williamsport and Elmira railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

from and after the passage of this act, if any person or persons in the county of Centre, and in the townships of Logan, Greene, Lamar and Porter, Clinton county, and the townships of Armstrong and Clinton, in the county of Lycoming, shall hunt, chase or pursue, with any dog or dogs, with the design to kill or destroy any buck, doe or fawn within said county of Centre, or within the townships aforesaid, at any season of the year, or shall entice any dog or dogs to chase as aforesaid, with the like design, he or they on being convicted thereof, shall forfeit and pay for every such offence, a sum not exceeding twenty dollars, to be sued for and recoverable with costs before any justice of the peace, in the name of the commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law; one-half of said penalty or fine shall be paid to the person or persons suing for the same, and the other half to the treasurer of the school district in which the offence has been committed, for the use of the common schools of said district: *Provided*, That this act shall not be so construed as to prohibit the hunting or catching with dogs of deer that have been previously wounded.

Hunting of bucks, does or fawns with dogs in the county of Centre, and in certain townships in the counties of Clinton and Lycoming, prohibited.

SECTION 2. That from and after the passage of this act, if any person or persons in the county of Clearfield, shall kill, take or destroy any buck, doe or fawn, by the aid of dogs or otherwise, for the purpose of procuring the skins alone, leaving or abandoning the carcass to be destroyed or wasted, said person or persons, on being convicted thereof, shall forfeit and pay for every such offence, a sum not exceeding ten dollars; said fine to be recorded and applied as provided in the first section of this act.

Clearfield county.

SECTION 3. That so much of the second section of the act, entitled "An Act repealing an act, entitled 'An Act prohibiting fishing at certain seasons of the year in certain creeks in the township of Marion, in the county of Berks; and to prevent fishing in certain streams in the county of Centre,' passed the eighth day of April, one thousand eight hundred and forty-six," so far as it prohibits fishing with seines and nets in Spring creek, and Logan's and Slab Cabin branches of said creek, in Centre county, be and the same is hereby repealed.

Fishing with seines, &c., in Centre county, act concerning, repealed.

SECTION 4. That the Williamsport and Elmira railroad company, for the purpose of completing the road, shall have authority to receive subscriptions to the capital stock of said company to the amount of five hundred thousand dollars, in addition to the amount authorized by existing laws, and to borrow, on bonds secured by mortgage of the whole or any part of the road, and the corporate privileges thereunto belong-

Williamsport and Elmira railroad company authorized to increase capital stock.

ing, upon such rates of interest as shall be agreed upon, such sums of money as shall be necessary to re-lay the track from Williamsport to Ralston, and to complete the road to its connection with the New York and Erie railroad, at or near Elmira; and such completion and connection with the railroad last mentioned, at or near Elmira, shall be deemed a compliance with all acts of assembly relative to completing the said road to Elmira, as fully as if the said road were extended without such connection to the said village of Elmira.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 373.

AN ACT

Regulating the hunting of deer in the county of Warren; and relative to hawkers and pedlers in the counties of Carbon, Butler and Union; authorizing the Philadelphia, Germantown and Norristown railroad company to become stockholders in the Chester Valley railroad company; relative to the sale of spirituous and vinous liquors in Washington county; and to the licensing of inn-keepers in this commonwealth; to the estate of John Claar, deceased; legitimating John Diffenbach, of Lancaster county; and authorizing the sale of the real estate of Darius Grimes, of Fayette county, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Hunting and killing of deer in Warren county, for regulation of.

from and after the passage of this act, it shall not be lawful for non-residents of this commonwealth to hunt and kill deer in the county of Warren, and any person offending against the provision of this act, shall be subject to pay a fine of twenty dollars, one-half to the overseers of the poor of the townships where the offence is committed, and the other half to the person who shall sue for and recover the same, which shall be recovered as debts of like amount are now by law recoverable.

Penalty for hawking and peddling books, &c., in the borough of Mauch Chunk.

SECTION 2. That from and after the passage of this act, it shall not be lawful for any hawker or pedler to sell or dispose of, by wholesale or retail, any books or stationery of any kind whatsoever, within the borough of Mauch Chunk, in the county of Carbon; and any person selling or vending such goods or merchandize, commonly called books or stationery, shall forfeit the sum of twenty-five dollars, to be recovered as debts of like amount are recoverable, by any person who will sue for the same, one-half to go to the informant, the other half to the county of Carbon.

SECTION 3. That the provisions of an act, entitled “An Act supplementary to an act relating to hawkers and pedlers, and regulating auctions in the county of Schuylkill,” approved the seventeenth day of April, one thousand eight hundred and forty-six, be and the same is hereby extended to the counties of Butler and Union.

SECTION 4. The Philadelphia, Germantown and Norristown railroad company are hereby authorized to become stockholders of the Chester Valley railroad company, by allowing the holders of the preferred stock full paid up of said Chester Valley railroad company, to convert the said preferred stock into stock of the Philadelphia, Germantown and Norristown railroad company, share for share; and whenever five hundred shares of stock of the said Chester Valley railroad shall be held by the Philadelphia, Germantown and Norristown railroad company, the board of managers of the latter company shall be authorized to appoint one director of the said Chester Valley railroad company; and whenever fifteen hundred shares shall be held by the said Philadelphia, Germantown and Norristown railroad company, they shall be authorized to appoint two directors of the said Chester Valley railroad company; and for every one thousand additional shares so held, they shall be authorized to appoint one additional director of the said Chester Valley railroad company: *Provided*, This act shall be first approved by both the said companies, at a regular or special meeting of the stockholders of the respective companies, called in accordance with their charters: *And provided further*, That the quantity of stock to be issued by the Philadelphia, Germantown and Norristown railroad company, for the purpose effecting such connection, shall be fixed by the stockholders of the said Philadelphia, Germantown and Norristown railroad company; but in no case shall the increase of the said capital stock be more than four thousand shares.

SECTION 5. That from and after the first day of June next, it shall not be lawful for any person or persons, except inn-keepers who have obtained license from the court as the law directs, and manufacturers of the article, to sell any vinous or spirituous liquors within the county of Washington, unless for mechanical, medicinal or purposes, in a less quantity than one barrel.

SECTION 6. Any person or persons known to be guilty of a violation of the foregoing section, shall be subject to the same penalty, on information given to the court of quarter sessions, as is now provided in the fourth section of the act supplementary to the various acts relating to tavern licenses, passed March twenty-ninth, one thousand eight hundred and forty-one: *Provided*, This act shall not affect those who have obtained license from the treasurer of the county, until the expiration of the same.

SECTION 7. That so much of any act or acts as are hereby altered or supplied, be and the same are hereby repealed, so far as relates to the county of Washington.

SECTION 8. That from and after the passage of this act, the several courts of quarter sessions of the peace of this commonwealth, except that of the city and county of Philadelphia, shall have power to grant or refuse a license to any person to keep a public house for the accommodation of strangers and travelers, notwithstanding the application of such person may be in due form, and accompanied with the recommendation required by existing laws.

SECTION 9. That the estate of John Claar, late of the borough of Bedford, deceased, be and the same is hereby exonerated and discharged from the payment of the sum of three hundred and fifteen dollars and

Provisions of certain act relative to hawkers and pedlers, extended to Butler and Union counties.

Philadelphia, Germantown and Norristown railroad company authorized to become stockholders in the Chester Valley railroad.

Sale of liquors in Washington county, regulated.

Penalty for violation of above section.

Repeal. Courts of quarter sessions of the several counties of this state, except the city and county of Philadelphia may grant or refuse tavern licenses.

Estate of John Claar, exonerated from the payment of certain money.

sixty-seven cents, being the balance due to the commonwealth from said John Claar on account of state taxes collected by his deputies.

John Dissenbach legitimated.

SECTION 10. That John Dissenbach, the son of Nancy Williams, of East Hempfield township, Lancaster county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been born in lawful wedlock.

Trustee and guardian of the children of Darius Grimes and Eleanor Grimes, authorized to sell certain real estate.

SECTION 11. That Hugh Graham, trustee, and Samuel Harris, guardian, of the children of Darius Grimes, late of Fayette county, deceased, and Eleanor Grimes, widow of the said Darius Grimes, be and they are hereby authorized and empowered to sell, at public or private sale, and convey to the purchaser or purchasers, by deed in fee simple, any portion of certain real estate, late the property of the said Darius Grimes, deceased, mentioned and described in a deed of trust which was executed by the said Darius Grimes and Eleanor, his wife, to Solomon Colley, on the sixth day of April, A. D. one thousand eight hundred and forty, and recorded in book Y, page ninety-seven, in the office for the recording of deeds in said county: *Provided*, That the portion of real estate hereby authorized to be sold and conveyed shall not exceed fifteen acres: *And provided further*, That such sale shall not be valid and effectual in law, unless the orphans' court of said county shall have first authorized and approved of the same, and the said Hugh Graham, Samuel Harris and Eleanor Grimes shall have given bond, with sufficient security, to be approved of by said court, conditioned for the faithful application of the proceeds of said sale to the payment of the debts against said estate, or to the improvement of the balance of the real estate aforesaid.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 374.

A SUPPLEMENT

To an act, entitled "An Act incorporating the Carlisle Deposit Bank," passed the thirteenth April, Anno Domini, one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Carlisle Deposit Bank, relative to. so much of the fifteenth section of the act to which this is a supplement, as requires a register of the stockholders to be set up and exposed

to public view in some conspicuous and open part of the banking room, on the first Monday of every month, and so to remain for six months thereafter, and so much of the thirtieth section of said act as requires a duplicate copy of each monthly register to be filed in the office of the prothonotary of the court of common pleas of Cumberland county, on or before the second Monday in each month, and the proviso to the fourteenth section of said act, be and the same are hereby repealed.

Register of stockholders.

SECTION 2. In place of the provisions of the foregoing sections which are repealed, the register of the stockholders mentioned in the fifteenth section of said act shall be set up and exposed to public view in some conspicuous and open part of the banking room, on the first Mondays of January, April, July and October in every year, and shall so remain for three months, and until the succeeding register shall be set up agreeably to the provisions of this act; and a duplicate copy of each register shall be filed in the office of the prothonotary of Cumberland county, on or before the second Monday of the aforesaid months of January, April, July and October.

Said register of stockholders to be exposed to view, &c.

SECTION 3. That the real estate which said bank may at any time acquire, by purchase or otherwise, shall not be subject to redemption by the party from whom it last passed to said bank, agreeably to the provisions of the twenty-eighth section of the act to which this is a supplement, until such party shall pay the amount of his or their indebtedness to said bank, when the sale of the real estate which may have been purchased by the bank is insufficient to pay the same, or shall pay such balance of said indebtedness as may remain after the appropriation of the proceeds of such sale.

Real estate of said bank not to be subject to redemption, &c.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 375.

A SUPPLEMENT

To the act relative to voters at elections in the counties of Adams, Dauphin, York, Lancaster, Franklin, Cumberland, Bradford, Centre, Greene and Erie, approved the twenty-ninth day of February, one thousand eight hundred and forty-nine; and relative to the incorporation of the Edinboro' academy, in the county of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Provisions of
certain act ex-
tended to Mercer
county.

Object.

Government.

Trustees.

Style.

Privileges.

Seal.

Annual election
of trustees.

Votes.

all the provisions of the act to which this is a supplement, be and the same are hereby extended to the county of Mercer.

SECTION 2. That there shall be and is hereby established in the borough of Edenboro', in the county of Erie, an academy for the education of youth in the learned languages, useful arts and sciences, and general literature, by the name, style and title of "The Edinboro' academy."

SECTION 3. That the said institution shall be under the management, direction and government of a number of trustees not exceeding nine, and until others shall be elected as hereinafter provided, the trustees of the said academy shall consist of the following persons, to wit: James H. Campbell, E. M'Williams, Jacob Kinter, Wm. Marshall, Uriale Hawkins, James Reeder, Isaac R. Taylor, E. W. Gerrish, Cyrus A. Culbertson, William Proud, Prentice Burlington, Hudson Giles, Robert S. M'Lenahan, John W. Campbell, Peter Wellman, Daniel Sherritts, J. Culbertson, Marcus Saley, E. W. Twitchell, N. C. Austin, or any nine of them, who shall, on or before the 1st day of June next, have subscribed the greater number of shares for the purpose of building said academy in said borough; which said nine trustees, and their successors to be elected as hereinafter provided, shall forever be and they are hereby created, established and declared to be one body politic and corporate, with perpetual succession, in deed and in law, by the name, style and title of the "Edinboro' academy;" and by the same name shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be capable in law and equity to take and to hold, to them and to their successors, for the use of said academy, any estate, in lands, tenements or hereditaments, goods, chattels, stock, moneys or other effects, of what kind, nature or quality soever, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same, free of taxation: *Provided*, The same do not exceed the yearly value of three thousand dollars; and the same from time to time to grant, bargain, sell, demise, alien, lease, place out at interest or otherwise dispose of for the use and benefit of said academy; and to receive the rents, profits, income and interest thereof, and to apply the same to the proper use of the said academy, and to erect such buildings as may be necessary; and generally to do all and singular acts, deeds, matters and things which shall be lawful for them to do for the well-being of the said academy, and the due management thereof.

SECTION 4. The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of said corporation shall pass and be authenticated; and the same seal at their pleasure may break, alter and renew.

SECTION 5. The first election of trustees shall take place on the first Monday in January, one thousand eight hundred and fifty-one, at the school house in said borough, and on the same day annually thereafter, at such place as may be appointed by the board of trustees: the election shall commence at the hour of one o'clock in the afternoon, and shall continue until five o'clock, and shall be conducted by two managers to be chosen by a majority of the stockholders present at the time of commencing said election; and the stockholders shall be allowed to vote in person or by proxy, and in the ratio of one vote for each share of stock held by him, her or them, or standing in his, her or their names, in the books of the corporation: the votes shall be given by ballot, and each ticket shall be labelled on the outside "trustees of the Edinboro' academy," and shall contain the names of nine persons, stockholders

in said corporation, and those having the highest number of votes shall be the trustees of said academy for the ensuing year, and shall continue in office until their successors are elected: if two or more persons should have an equal number of votes, the managers shall forthwith decide by lot which of said persons are elected.

SECTION 6. The board of trustees, five of whom shall constitute a quorum, shall annually at their first meeting after the election, appoint a president and secretary of their own number, and elect a treasurer, who shall be a stockholder; and in case of the death, resignation or refusal to serve of any trustee or other officer, the trustees in office shall have power to appoint others in their stead until the next election; and they shall also have power to enact such ordinances and by-laws as may be necessary for the well being and government of said corporation: *Provided*, That no by-law or ordinance shall have any force and effect which shall be repugnant to the constitution and laws of the United States or of this state, nor shall any person, either as principal, master, tutor or pupil, be refused admission into said academy on account of his or her belief or persuasion in matters of religion: *Provided*, He demean himself in a sober, orderly manner, and conform to the rules and regulations of the academy.

SECTION 7. The capital stock of said corporation shall be five thousand dollars, divided into shares of ten dollars each, a certificate of which shall be issued to such person or persons who have heretofore subscribed, or may hereafter subscribe, and pay money for the purpose of building an academy in said borough, or to the heirs and legal representatives of such person or persons for every share which he, she or they may have, or shall subscribe for and hold in said corporation, which shall be transferable on the books of the corporation either in person or by attorney, subject to the payment of any balance due thereon; and the capital stock of said corporation may be increased to ten thousand dollars by a vote of the majority of the stockholders at any annual election.

SECTION 8. The treasurer shall receive and hold all moneys belonging to the corporation, and pay out the same to the order of the board, signed by the president and secretary, or a majority of the trustees; and he shall keep fair accounts thereof, which shall be audited and settled by the trustees in the same manner as the accounts of the treasurer of common school districts are now by law audited and settled, and subject in like manner to appeal; and before entering upon the duties of his office, shall give a bond with one or more sufficient sureties, to be approved by the board of trustees, in a sum equal to double the estimated amount of money to be received by him, conditioned for the faithful discharge of the duties of his office, and the payment of all moneys remaining in his hands at the end of the year to his successor in office; and the secretary and treasurer may receive such compensation as may be thought reasonable by the board of trustees; but no other officer shall receive any fee or reward whatever for his services; and it shall be the duty of the trustees to report annually, at the expiration of their term of office, the condition of the finances and other affairs of said corporation; which report, together with the books of the corporation, shall be open at all proper times to the examination and inspection of all persons interested, who are at such times stockholders in said corporation.

SECTION 9. No misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to the said corporation: *Provided*, That the intent of the parties shall sufficiently appear in said gift, grant,

Board of trustees.

Quorum.

Officers.

By-laws.

Proviso.

Capital stock.

Transferable.

Treasurer, duties.

Accounts.

Misnomer.

will, or other writing whereby any estate or interest in any thing real or personal was intended to pass to said corporation.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 376.

AN ACT

Relating to destroyed or lost dockets of justices of the peace; and to the Birmingham and Elizabethtown turnpike road company.

Proceedings in
case of lost
docket of jus-
tices of the
peace.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where the docket of any acting alderman or justice of the peace shall have been, or may hereafter be destroyed or lost, it shall be lawful for any person or persons interested in any action pending, or judgment had, and who may be desirous to have the same supplied, to apply to such alderman or justice by petition, setting forth the proceedings to be supplied and verified by affidavit; whereupon the said alderman or justice shall issue a precept in the nature of a writ of summons, which shall be served as in other cases, requiring the defendant in such action or judgment, or his representatives, to appear before such alderman or justice on a day certain to be named in said writ, not less than five nor more than eight days from the issuing thereof, and shew cause why the prayer of the petitioner should not be granted; and in all cases where the facts set forth in such petition shall be denied, it shall be the duty of such alderman or justice to hear the parties and receive testimony, as in other cases as well his own testimony upon affidavit, as the testimony of others, and upon the hearing thereof, if the said alderman or justice shall be of the opinion that the facts alleged in such petition are true, or in case such facts be not denied, he shall order that the said proceedings be supplied; and shall thereupon enter the same upon his docket, which said entries shall have the same force and effect as if the original record had not been lost or destroyed, and either party may have his remedy by appeal or certiorari, as in other cases.

Birmingham and
Elizabethtown
turnpike road
company author-
ized to construct
a plank or
M'Adamized
road.

SECTION 2. That the president and managers of the Birmingham and Elizabethtown turnpike road company, in the county of Allegheny, be and are hereby authorized and empowered to construct a plank or M'Adamized road on the bed of their present road, or on such part or parts of its present location as they may consider expedient, commence-

ing at the borough of Birmingham, and extending to such distance as they may by previous laws have been permitted to construct a turnpike.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 377.

AN ACT

To repeal the twenty-seventh section of an act authorizing the laying out of certain state roads, passed the fifth day of April, one thousand eight hundred and forty-three; and relative to the Equitable life insurance company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Roads in Dublin township, Huntingdon county, Domini, one thousand eight hundred and forty-three, authorizing the laying out of certain state roads, be and the same is hereby repealed as far as relates to Dublin township, in Huntingdon county. *act concerning, repealed.*

SECTION 2. That from and after the passage and acceptance of this act, the Equitable life insurance company shall be known in law by the corporate name of "The Equitable mutual life insurance company;" that it shall be lawful for said company to adopt the mutual principle of insurance upon such terms, and subject to such regulations as shall be agreed upon by the trustees thereof: *Provided,* That all persons hereafter insured with said company, be allowed one vote at all elections for trustees during any year for which they shall have duly paid their premiums in advance: *And provided further,* That no person so insured shall be liable for any losses or expenses of said company beyond the amount of such premiums as shall have been agreed to be paid. *Equitable life insurance company, name changed.*

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 378.

AN ACT

To incorporate the Boalsburg and Bellefonte turnpike road company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George Boal, John Hasson, George Shenoberger, George Jack, B. J. Berry, Andrew Gregg, George W. Johnston, John Mitchell, Christian Dale and John Thompson, of Boalsburg and Spring creek, and Hamilton Humes, Henry Brokerhoff, William A. Thomas, James Burnside, H. N. M'Alister, Henry P. Treziulney, Felix Mullen, J. H. Morrison and J. T. Hale, of Bellefonte, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the style and title of "The Boalsburg and Bellefonte turnpike road company," with power to construct a turnpike road commencing at Boalsburg, and thence by the end of the mountain on the most eligible ground to Bellefonte, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto.
- Style.**
- Subject to provisions of certain act.**
- Capital stock.** SECTION 2. The capital stock of said company shall consist of six hundred shares of twenty-five dollars per share.
- Commencement and completion of road.** SECTION 3. That if said company shall not commence the construction of said road within three years, and complete the same within six years from the passage of this act, then it shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 379.

AN ACT

To incorporate the Saint Paul's beneficial society of young men of the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That John M'Gettigen, John P. M'Fadden, Patrick M'Galdrick, John A. Powell, James M'Minamin, John Hanley, John M'Minamin, James M'Connell, Bernard M'Geehan, Patrick A. Tinney, John Mass and their associates, be and they are hereby erected into a body corporate, by the name and style of "The Saint Paul's beneficial society of young men of the city and county of Philadelphia," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, to take, hold and purchase for the use of the said beneficial society, lands, goods, chattels, moneys of any kind whatever, by gift, grant, conveyance, devise or bequest from any person or persons capable of making the same, and the same to sell, convey, mortgage or dispose of for the use of the said society, and generally to do all and singular the matters and things which may be lawful for them to do for the well being of the society, and the due management and ordering of the affairs thereof: *Provided*, That the estate shall in no case exceed the yearly value of three thousand dollars.

Corporators.

Style.

Privileges.

SECTION 2. The object of this association shall be to give assistance to the distressed, to relieve its members in case of sickness, to defray the expenses of their funerals, or such other cases of distress as shall be defined by the by-laws.

Object.

SECTION 3. The officers of this society shall consist of a president, vice president, secretary and assistant secretary, treasurer, two stewards and a messenger, whose duties shall be prescribed by the by-laws.

Officers.

SECTION 4. The officers of this society shall be elected annually at a stated meeting, at such time and place as shall be provided by the by-laws.

Annual election.

SECTION 5. Each person on being admitted a member of this association, shall sign the constitution, and pay such entrance money and monthly and other dues and contributions as the society may by their by-laws from time to time resolve and declare.

Dues.

SECTION 6. A member may be expelled under such provisions as shall be stated in their by-laws.

Expelling of members.

SECTION 7. The duties and rights of the officers and members, the mode of supplying all vacancies, the time and place of meeting, the number required for a quorum, the terms of admission, the mode of electing members, and any other concerns of the society, shall be regulated by the by laws hereafter to be made.

Vacancies.

By-laws.

SECTION 8. The corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the laws of the United States and of this commonwealth.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 380.

A SUPPLEMENT

To an act, entitled "An Act to erect the village of Oxford, in the county of Chester, into a borough," passed April eighth, Anno Domini, one thousand eight hundred and thirty-three; and relative to roads in the township of Birmingham, in Chester county; to Wager and Marsh streets, in Kensington, Philadelphia county; and relative to the borough of Hookstown, in Beaver county; and to the Robeson school house, in Manayunk, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* 'That from and after the passage of this act, it shall and may be lawful for all persons residing in the borough of Oxford, entitled to vote for members of the legislature, who shall have resided in said borough six months next preceding to such election, to meet at the Oxford Borough hotel, in said borough, (or such other place as may be hereafter appointed,) on the third Friday in March, and thereafter on the same day annually, and then and there elect by ballot, between the hours of one and six o'clock of the same day, one reputable citizen residing therein, who shall be styled "The burgess of said borough," and six reputable citizens residing therein, who shall be a town council; and shall also elect as aforesaid, one reputable citizen as high constable, also two citizens of said borough, and return the names of the persons so elected to the next court of quarter sessions of said county, one of whom shall be appointed constable of said borough; also at the first election, three school directors, one to serve one year, one for two years, and one for three years, and thereafter one school director annually; and the said citizens shall also at the same time and place, elect a judge and inspectors of election, and assessors, agreeably to the laws of this commonwealth, and annually thereafter; the said elections shall be conducted in the same manner as is provided for the election of township officers of this commonwealth; except that the certificates of the election of burgess and all other borough officers and school directors, shall be filed

Annual election.

Burgess and
town council.
Constable.

School directors.

among the records of the corporation: *Provided*, That at the first election Robert Murdagh act as judge, and doctor E. V. Dickey and William J. Turner act as inspectors, and in conducting said election they shall be governed by the election laws of this commonwealth.

SECTION 2. That it shall be the duty of the burgess and town council, five of whom shall constitute a quorum, to meet on the first Monday after their election in each year, at such place as a majority of them shall agree upon, and from time to time, as occasion may require, at which meetings the burgess shall preside, or in his absence or inability, a member pro tem.

Meetings of burgess and town council.

SECTION 3. That the school directors elected under this act shall perform the same duties, and possess the like powers in all respects as school directors elected agreeably to the general laws of this commonwealth.

School directors, duties of.

SECTION 4. That the high constable of said borough shall have the power and authority vested by the laws of this commonwealth in the constables of the different townships in said county; and the constable elected and appointed as aforesaid, shall have full power and authority to execute any process directed to the high constable of said borough, and is hereby authorized and enjoined to do and perform all duties required to be done by said high constable: *Provided*, Said constable be subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may hereafter exist, concerning constables in this commonwealth.

High constable, powers of.

SECTION 5. That it shall be lawful for the said town council to assess and collect a tax on single freemen and inmates residents in said borough, to be rated according to the provisions of the act to raise and collect county rates and levies, and on all property, offices, professions, trades and occupations made taxable by the laws of this commonwealth for county rates and levies; and all the taxes, rates and levies assessed, rated and levied therein, shall be recovered in the same manner as the county rates and levies in the county of Chester are by law recoverable.

Taxes.

SECTION 6. That the town council provide by sufficient ordinances and penalties, that no horses, geese, sheep or swine shall be suffered to run at large in said borough; and also shall make such regulations with respect to dogs as they may think necessary.

Ordinances.

SECTION 7. That the assessor and assistant assessors of the county taxes for the said borough, elected agreeable to the laws of this commonwealth, shall have, use and exercise all and every the powers, rights and privileges, and perform all and every the same duties, and be subject to all and every the same fines, penalties and forfeitures within the said borough respectively, which are or hereafter shall lawfully be used, had, exercised, or which are or shall be suffered by or imposed upon like officers of the several townships of this commonwealth.

Powers of assessors.

SECTION 8. That the burgess for the time being shall take cognizance, and have all the power, jurisdiction and authority of justices of the peace within said borough, for the suppression of riots, tumults and disorderly meetings, for the punishment of vagrants and disorderly persons, as well as in all criminal cases, and in all cases of violations of the provisions of this act, or the act to which this is a supplement, or of the supplements which may hereafter be appended to the same, or of the ordinances of said borough, and shall be entitled to the same fees for like services as justices of the peace are by law entitled to receive; and all attestations made by the burgess with the seal of the corporation, shall be good evidence of the act or thing certified; and for the affixing of the seal to any instrument other than for borough purposes, he shall receive fifty cents, and his warrant, capias or summons

Jurisdiction of burgess.

directed to the constable or constables may be delivered to execute the same, at any place within the county of Chester, to the end that there may not be a failure of justice by reason of any person who may be charged with having committed an offence against the provisions of this act, or the act to which this is a supplement, or any ordinance of said borough, and having escaped beyond the limits of said borough.

Place of holding elections. SECTION 9. That the electors of said borough shall hold their general and borough elections at the Oxford Borough hotel, in said borough, and form a part of the fifth election district now composed of the townships of East Nottingham and Lower Oxford, and the judge and inspectors of said borough shall be regulated in all respects by the election laws of this commonwealth, and receive the same fees as judges and inspectors of township elections: *Provided*, That the justice of the peace in said borough shall hold his commission for the time for which he was elected and a successor to be elected.

Collector to be appointed by the county commissioners. SECTION 10. That the collector shall be appointed by the county commissioners for collecting the county rates and levies; and such collector shall collect all borough taxes on the warrant of the burgess, and shall be entitled to the same compensation as is allowed to township collectors, and be subject to the same penalties for neglect or refusal.

Nuisances, for preventing of. SECTION 11. No person or persons whatever shall be permitted or allowed to erect, create or continue any nuisance or nuisances injurious to the health or comfort of the inhabitants of said borough, on any lot or within any building, or in any street or alley within the limits of the same, under the penalty of any sum not exceeding twenty dollars for every such offence, to be sued for and collected for the use of said borough, before the burgess or any justice of the peace residing therein: *Provided nevertheless*, That if any person shall consider himself aggrieved by the judgment of such burgess or justice of the peace, he may appeal to the next court of quarter sessions to be held for the proper county, upon complying with the laws of this commonwealth in such case made and provided; and so much of the act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

Proviso. SECTION 12. That the provisions of the sixth section of an act, entitled "An Act relating to certain streets and roads in Philadelphia, Montgomery, Lancaster and Chester counties," approved the sixth day of March, one thousand eight hundred and forty-eight, be and the same are hereby extended to the township of Birmingham, in the county of Chester.

Certain act relative to streets and roads extended to Birmingham township, Chester county. SECTION 13. That Wager street, between Second and Fourth streets, in the district of Kensington, county of Philadelphia, is hereby vacated; and the title to the soil to the middle of said street, is hereby vested, in fee simple, in the owners of ground fronting thereon.

Wager street, Philadelphia, vacated. SECTION 14. That the commissioners of the Kensington district of the Northern Liberties, in the county of Philadelphia, shall have power and authority to grade, curb and pave Marsh street, from the Cohock-sink creek to Beach street; and shall assess the cost and collect the same as the costs of paving are now assessed and collected in said district.

Commissioners of Kensington district authorized to grade, curb and pave Marsh street. SECTION 15. That from and after the passage of this act, the town council of the borough of Hookstown, in the county of Beaver, shall have the sole and exclusive right to levy and collect road tax upon the real and personal property subject to taxation within said borough; and the right to regulate and improve the streets, lanes and alleys of said borough is hereby absolutely vested in the town council of the borough aforesaid.

Town council of Hookstown, Beaver county, to have the sole power to levy and collect road tax.

SECTION 16. That Jonathan Robeson, Samuel Wagner, James C. Kempton and such other persons as may be the trustees of the school known as "the Robeson school," in the borough of Manayunk, in the county of Philadelphia, and appointed under and by virtue of a certain deed of trust of Peter Robeson and others, dated the twelfth day of May, Anno Domini, one thousand eight hundred and twenty-five, be and the same persons, or their successors, are hereby authorized and empowered to, and as soon as convenient after the passage of this act shall convey, by good and sufficient conveyances in the law, the academy buildings and lot of ground thereto belonging, situate on the south-westerly side of the Manayunk and Flat Rock turnpike, in the borough of Manayunk, and commonly known as the Robeson school, more particularly described in the said deed of trust heretofore and now held by the said trustees, to the controllers of the public schools of the first school district of Pennsylvania, and their successors, to be held by them for the same uses and trusts as are recited in the said deed of trust.

Trustees of the Robeson school in Passyunk, authorized to sell certain real property.

SECTION 17. That from and after the passage of this act, the school directors elected for the borough of Manayunk, in the county of Philadelphia, and those who may hereafter from time to time be elected school directors for the said borough, be and the same are hereby authorized and empowered to perform all the duties heretofore performed by the trustees of the said Robeson school, in the said borough of Manayunk, under and subject nevertheless to the provisions of the act of assembly passed the thirteenth day of June, Anno Domini, one thousand eight hundred and thirty-six, entitled "An Act to consolidate and amend the several acts relative to a general system of education by common schools," and the supplements thereto.

Powers of said trustees vested in the school directors of the borough of Manayunk.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 381.

AN ACT

To incorporate the Honesdale and Masthope plank road company, in Wayne and Pike counties, and for the improvement of the Delaware division of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Earl Wheeler, Amory Prescott, William H. Dimmick, William Turner, Commissioners.

	John F. Roe, James M. Blackinton, Ephraim W. Hamlin, Oliver D. Dunhane, Phineas G. Goodrich, Allis Whitney, Charles P. Waller, Elkanah Patmor, Thomas J. Hubble, Thomas H. R. Tracy, Russel F. Lord, Henry W. Stone, William R. M'Laury, Benjamin F. Kimble, Bulkley Beardslee, Cornelius Coryell, Peter Smith, Benjamin Holbert, Samuel Kimble, John Kelly and John A. Patmor, of Wayne and Pike counties, or any five of them, be and they are hereby appointed
Style.	commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Honesdale and Masthope plank road company," with power to construct a plank road from
Location.	the borough of Honesdale, down the Lackawaxen river to the Indian Orchard settlement; thence the nearest and best route to the New York and Erie railroad, at or near the mouth of the Masthope creek, in Pike county, subject to all the provisions and restrictions of an act regulating
Subject to provisions of certain act.	turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, excepting that portion of the thirteenth section of the said act relating to
	tolls, which discriminates in favor of wheels of greater width than four inches; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to the width of the wheels in any case; also subject to the provisions and restrictions of a supplement to the act regulating
Proviso.	turnpike and plank road companies, approved the seventh day of April, Anno Domini, one thousand eight hundred and forty-nine: <i>Provided</i> , That when the company hereby incorporated shall have finished four miles or more of road, the president thereof may give notice to the governor, who shall thereupon do and perform the duties prescribed in the
	twelfth section of the said act of the twenty-sixth day of January, one thousand eight hundred and forty-nine.
Capital stock.	SECTION 2. The stock of said company shall consist of sixteen hundred shares of twenty-five dollars each: <i>Provided</i> , That said company may at any time, by a vote of the stockholders at a meeting called for that purpose, increase their capital so much as in their judgment may be necessary to carry out the true intent and meaning of this act.
Penalty for injury.	SECTION 3. Any person who shall wilfully injure, break or throw down any gate which shall have been erected on said road pursuant to the provisions of this act, or dig up or wilfully injure or spoil any part of such road, or anything thereunto belonging, or shall drag along or across such road any log, timber, wood or stone, so that the same shall come in contact with the even surface of said road, he shall, for every such offence, forfeit to the corporation hereby created the sum of ten dollars, in addition to the real damage from this wrongful act; which penalty may be recovered by the said corporation in an action of debt in any court having cognizance thereof; and a separate suit may be in like manner prosecuted and maintained by such incorporation for such damages done to the said road.
Further powers.	SECTION 4. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly and with evil intent, any obstruction on the line of said plank road, so as to endanger or jeopard the lives of persons traveling on the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be adjudged on conviction to be imprisoned for a term of not more than two years: <i>Provided</i> , That nothing herein contained shall prevent the said company from pursuing the remedy heretofore specified for damages done their road by the wrongful act.
Misdemeanors.	
Suits.	SECTION 5. That in all suits or actions brought against said company, the service of process on any director, toll-gatherer, or other

officer of the company, shall be good and available in law as if made on the president thereof.

SECTION 6. That if this company shall not commence the construction of this road within three years, and complete the same within six from the passage of this act, this act shall be null and void, except so far as the same shall be necessary to wind up the affairs and pay the debts of the company. Commencement and completion of road.

SECTION 7. That it shall be the duty of the canal commissioners, as soon as practicable, to cause an estimate to be made of the costs of improving the Delaware division of the Pennsylvania canal, and enlarging the locks thereof; and also an estimate of such damage as may be assessed, and report to the next legislature. Canal commissioners to make estimate of cost of improving Delaware division, Pennsylvania canal.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 382.

A N A C T

Supplementary to an act relating to the borough of Bridesburg; and relative to Shackamaxon square, in Kensington district, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That that portion of the unincorporated Northern Liberties, in the county of Philadelphia, as herein described, shall be admitted or annexed to the borough of Bridesburg, and henceforth be known as the borough of Bridesburg: beginning at the junction of the river Delaware and the present boundary of the aforesaid borough, and following the course of said river in a southerly direction until it meets the north line of the property of mister Mortimer Lewis; thence along said line of Lewis' property in a westwardly direction until it meets the Point road; then pursuing a direct line through other properties west of Point road until it strikes the middle of Frankford creek; thence along said creek in a north-eastwardly direction until it intersects with the present boundary of the aforesaid borough. Portion of the Northern Liberties annexed to the borough of Bridesburg.

SECTION 2. That the borough of Bridesburg, in its already prescribed limits, be and is hereby declared a separate election district, and is hereby authorized to elect one judge and two inspectors, to hold the borough and general elections in said borough; also, one person, a citizen of said borough, to serve as justice of the peace. Separate election district.

Time of holding elections. SECTION 3. That hereafter all spring elections shall be held on the third Friday in March, agreeable to the election laws of this commonwealth, and all general elections shall be held in October, agreeable to the election law of the commonwealth; and that hereafter the number of commissioners shall consist of seven persons, five of which shall be elected in March next, four to serve for the period of two years, and one for one year, and in the spring following elect three to serve for two; and in a like manner all succeeding years.

Certain property to be under the control of the borough commissioners. SECTION 4. That property deeded by John Kirkbride and his wife to Alfred Jenks, Jesse H. Flitcraft and Egbert Somerndike, in trust for the inhabitants of the village of Bridesburg and vicinity, deed executed and recorded in the year one thousand eight hundred and thirty-two, shall hereafter be under the control and management of the borough commissioners, and held hereafter as property of the borough of Bridesburg, to be improved at the discretion of the inhabitants and commissioners of said borough: *Provided nevertheless*, That the building now erected on said lot or piece of ground shall be occupied for the same purposes as provided for in the above mentioned deed.

This act not to interfere with the act of incorporation. SECTION 5. The enactment of this supplement shall not annul or interfere in any respect with the present act of incorporation for said borough, excepting those cases particularly specified in this supplement.

Surveyors. SECTION 6. That from and after the passage of this act the commissioners and inhabitants of the aforesaid borough, are hereby authorized and required to appoint one or more surveyors, who shall at times be directed and governed by the said commissioners and inhabitants, and are hereby enjoined and required, as soon as it may be convenient, to survey and mark the lines of all streets, lanes, courts or alleys now opened or intended to be opened for public use, within the limits of said borough; and also, to survey and lay out such other new streets, lanes, courts and alleys, and common sewers, within the said borough, as he or they may deem necessary for a regular and convenient town plan, and for the more equal distribution and ready discharge of the waters thereof; and for that purpose the said surveyor or surveyors shall have full power and authority, with or without his or their assent or assistance, to enter upon the land or lands of any person or persons within the said borough; and when the said survey and regulations shall be completed, the surveyor or surveyors shall make or cause to be made two drafts or plans thereof, with every explanation necessary for a full understanding of the same; and one of the said drafts or plans shall be returned to the commissioners, who shall keep the same in such place as they shall fix upon, and the other of said drafts or plans shall be returned to the clerk of the court of general sessions of the county of Philadelphia, or some other court of said county of similar jurisdiction, to be filed in his office for public inspection and examination; and it shall be the duty of said commissioners to give at least thirty days' notice in one public newspaper published in Philadelphia, and by hand-bills posted in at least ten conspicuous places in said borough, that on a certain day to be appointed by the court, the said court will hear any objections that may be made thereto by any of the freeholders of said borough, and where the said draft or drafts or plans are deposited for inspection; and the said court shall, at the time appointed, adjudge and determine whether any and what alterations shall be made therein, and shall direct the said draft or plan, with such alterations as shall be made, to be recorded in the office for recording deeds for the city and county of Philadelphia; and thenceforth all the streets, lanes and alleys shall be forever deemed, adjudged, and taken to be public highways; and the survey and regulations so returned and recorded shall be and remain

Duties.

Drafts.

unalterable; and inasmuch as the public convenience will be for the present answered by the certain knowledge where and in what manner such streets, lanes or alleys will in future run, but as it may not be necessary immediately to lay all of them open, and in order to provide for the opening of the same from time to time, as the increasing improvement of the borough may require, it shall be lawful for any of the freeholders of said borough, not less than seven, whose lands lie near or adjoining to such street, lane or alley, to apply, by petition, to the court as aforesaid, who, after hearing the petitioners and such other freeholders through whose lands such street, lane or alley may pass, as shall offer objections thereto, to determine whether it be proper at the time to direct the opening of the same; and if the court shall be of opinion that the state of improvement in the neighborhood is such as to require the opening thereof, they shall issue their warrant, directed to the superintendent of the streets, lanes and alleys in said borough, enjoining and requiring him to open such street, lane or alley, in the limits of the borough of Bridesburg as aforesaid.

SECTION 7. That the commissioners have full power to borrow, on the faith of the corporation, such amount of money from time to time as they, in their judgment, may deem requisite for the improvement of the borough; the amount so borrowed shall at no time exceed five thousand dollars. Borrow money.

SECTION 8. After all elections the judge, with the inspectors and clerks, shall receive and count the votes, and declare the persons duly elected; whereupon duplicate certificates of persons duly elected shall be signed by the election officers, one whereof shall be transmitted to the clerk of the court of quarter sessions of the county of Philadelphia, within three days after said election, and the other filed among the records of the corporation. Duplicate certificates of election.

SECTION 9. That the public square in the district of Kensington, in the county of Philadelphia, bounded on the north-west by the Frankford road, on the south-east by Beach street, on the south-west by Maiden street, and on the north-east by Manderson street, is hereby named and shall hereafter be called Shackamaxon square; and the commissioners of said Kensington district shall at all times hereafter keep said square properly enclosed and planted with trees; and no building shall ever be erected thereon; and it shall be lawful for said commissioners, whenever they shall deem it expedient so to do, to remove the market house fronting on Beach street, for the purpose of enlarging and improving said Shackamaxon square. Public square in the district of Kensington, to be called Shackamaxon square.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 383.

A N A C T

To incorporate the New Franklin turnpike and plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* James Hoag, George Royal, D. Sterrett, Peter Ivory, James Baggs, John Wilson, Daniel M'Keever, J. Gyer, B. C. Sawyer, William Baxter, Jacob Hitchill, John Suttle, Henry Palmer, Hugh Danver, William B. Mowry, George R. Riddle, R. H. Kerr and James Alston, of the county of Allegheny, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name and style of "The New Franklin turnpike and plank road company," with power to construct a turnpike or plank road from the city of Allegheny, commencing near the junction of Third and East streets in said city, and extending in the direction of Perrysville, to a point at or near Girty's run, five miles from the point of beginning, with power to carry said road to the town of Perrysville, should it hereafter be considered expedient; with all the authorities, and subject to all the provisions and restrictions of the act regulating turnpike or plank road companies, passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto, except so much thereof, in case of the road being constructed principally of plank, relating to the impositions of tolls, as discriminates in favor of vehicles having wheels of the breadth of four inches and upwards, and such other portions of said act as may be inconsistent herewith.

Commissioners. James Hoag, George Royal, D. Sterrett, Peter Ivory, James Baggs, John Wilson, Daniel M'Keever, J. Gyer, B. C. Sawyer, William Baxter, Jacob Hitchill, John Suttle, Henry Palmer, Hugh Danver, William B. Mowry, George R. Riddle, R. H. Kerr and James Alston.

Style. "The New Franklin turnpike and plank road company."

Location. From the city of Allegheny, commencing near the junction of Third and East streets in said city, and extending in the direction of Perrysville, to a point at or near Girty's run, five miles from the point of beginning.

Subject to provisions of certain act. Subject to all the provisions and restrictions of the act regulating turnpike or plank road companies, passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto, except so much thereof, in case of the road being constructed principally of plank, relating to the impositions of tolls, as discriminates in favor of vehicles having wheels of the breadth of four inches and upwards, and such other portions of said act as may be inconsistent herewith.

SECTION 2. The capital stock of said company shall consist of two hundred shares, at twenty-five dollars each; with power, however, to the said company, by a vote of the stockholders had at a meeting called for the purpose, from time to time, to increase their capital stock to carry out the true intent and meaning of this act.

Capital stock. Two hundred shares, at twenty-five dollars each.

SECTION 3. That it shall be lawful for the said company to erect and set up a gate or gates, and to levy and collect tolls from persons traveling along or otherwise using the said road, at the rates prescribed in the act regulating turnpike and plank road companies, already referred to, and without further license, as soon as they shall have completed the first three miles of their said road leading from the city of Pittsburg.

Tolls. As prescribed in the act regulating turnpike and plank road companies, already referred to.

SECTION 4. That should said company fail to commence the road within two years, and complete the same to the house now occupied by Peter Ivory, a distance of about three miles, within the next four years after the passage of this act, the provisions herein contained shall be null and void, except so far as the same may be necessary to settle up the affairs and pay the debts of said company.

Commencement and completion of road. Within two years, and complete the same to the house now occupied by Peter Ivory, a distance of about three miles, within the next four years after the passage of this act.

J. S. M'CALMONT,
Speaker of the House of Representatives.
 V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 384.

A SUPPLEMENT

To the act passed March twenty-third, one thousand eight hundred and forty-nine, incorporating the Columbia and Marietta turnpike road company; relative to the collection of taxes in Lancaster county; and for the sale of certain real estate in Columbia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the company aforesaid, by their agents appointed for that purpose, are hereby authorized to demand and receive from each and every person using the said turnpike in any way whatever, the same rates of toll as *was* allowed to be taken on the Columbia, Chiques and Marietta road and bridge company, for passing over the same.

Tolls on the Columbia and Marietta turnpike road.

SECTION 2. That the provisions of the seventh section of the act, entitled "An Act authorizing the sale of certain real estate, and relative to the collection of taxes in certain townships in Monroe, Berks and Lancaster counties, and certain school districts in Butler, Franklin, Mifflin, Indiana and Schuylkill counties," passed the tenth day of April, one thousand eight hundred and forty-eight, be extended to Strasburg township, Lancaster county.

Provisions of 7th section of certain act relating to the collection of taxes extended to the borough of Strasburg, Lancaster county.

SECTION 3. That John Sharpless, of Catawissa, Columbia county, is hereby authorized to sell and convey a certain lot of ground situated in Franklin township, Columbia county, being the property of the late John P. Davis, deceased, which was not disposed of by his last will and testament: *Provided,* That a majority of the surviving heirs of the late John Davis, deceased, shall require the said John Sharpless so to do.

John Sharpless authorized to sell certain real estate.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 385.

AN ACT

Providing for the election of district attorneys.

Qualification of persons to be elected.

District attorneys to sign all bills of indictment, &c.

Fees.
Proviso.

Duplicate certificates of election to be made out, &c.

Vacancies, how supplied.

Proceedings in case any person elected as aforesaid shall be charged with crime or misdemeanor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the qualified voters of the city and county of Philadelphia, and of each and every county in the state, shall, at the general election on the second Tuesday of October next, and every three years thereafter, elect one person, learned in the law, who has been two years admitted to the bar, and who shall have resided in the county for which he is elected for one year next preceding his election, who shall be called the district attorney of said county; and the officer so elected shall sign all bills of indictment, and conduct in court all criminal or other prosecutions in the name of the commonwealth, or when the state is a party, which arise in the county for which he is elected, and perform all the duties which now by law are to be performed by deputy attorney generals, and receive the same fees or emoluments of office: *Provided*, Said district attorney shall in no case whatever have authority to enter nolle prosequi in any criminal case, either before or after bill found, or to discharge a prisoner from custody, without first having obtained the approbation of the court, in writing.

SECTION 2. The return judges of the said city and county, and of each county in the state, shall, when they meet as now required by law, faithfully add up the votes given at said election for district attorney, and he who has the highest number of votes shall be declared duly elected; and they shall make out duplicate certificates, one of which shall be delivered to the person thus declared elected, and the other to the prothonotary of the court of common pleas of the proper county; and on the first Monday of November after said election, the person who is legally elected shall appear in the court of common pleas of said county, if in session, and if not, then at the next session of said court, and then, in open court, take and subscribe the same oath or affirmation as is required to be taken by the attorney general; which oath shall be entered upon the records of said court.

SECTION 3. All elections of district attorneys shall be contested and decided in the same manner as is now provided by law for contesting the election of county officers; and if any vacancy shall occur, either by death, resignation, removal from office or from the county, or otherwise, the judges of the court of common pleas shall supply such vacancy, by the appointment of a competent person to fill the office until the next general election: *Provided*, Such vacancy happens thirty days before; if not, then until the next general election thereafter, and until a successor is duly elected and qualified.

SECTION 4. If any person elected to said office shall be charged with any crime or misdemeanor which by law is indictable, or shall be guilty of a misdemeanor in office, or of gross or wilful neglect in the discharge of his official duty, on complaint being made before any one of the judges of said court, in writing, verified by affidavit, it shall be the duty of the court, if they believe there is probable cause for such complaint

to appoint some other competent attorney of the court to prepare a bill of indictment against the district attorney, to be laid before the grand jury, and to conduct the same to final trial; and in case the said district attorney be convicted of any infamous crime, and final judgment rendered, it shall be part of the sentence of the court that he be removed from office; and the court shall then proceed to appoint another competent person to fill such vacancy, as provided in a former section of this act; and the person appointed to conduct such prosecution shall be paid a reasonable compensation for his services, out of the treasury of the county; the amount to be fixed by the court.

SECTION 5. If any district attorney shall demand any greater fee than that allowed in the fee bill, for any services he shall perform in relation to any case, or shall receive any fee, reward or present for the examination of any case in relation to a nolle prosequi, he shall be liable to an indictment therefor, and on conviction, shall be deemed guilty of a misdemeanor in office, and be punished by a fine, at the discretion of the court, as well as removal from said office.

Penalty for demanding excessive fees.

SECTION 6. No district attorney shall be eligible to a seat in the legislature, or to any other office under the laws and constitution of the state during his continuance in office.

Ineligible to a seat in the legislature.

SECTION 7. If in case of sickness, or from any other cause, the district attorney shall be unable to attend to the duties and business of the term of a court, he shall have authority to appoint some competent attorney of the county, with the approbation of the court, to act as his deputy for one term, but for no longer period.

Provisions in case of the sickness, &c., of district attorney.

SECTION 8. All laws or parts of laws inconsistent with the provisions of this act, now in force in the state, be and the same are hereby repealed.

Repeal.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 386.

AN ACT

Authorizing Catharine Shultz to sell and convey certain real estate; and for the establishment of Rittenhouse college, in the county of Bedford.

WHEREAS, Philip Shultz, late of the borough of Huntingdon, in the county of Huntingdon, being seized of certain real estate situate in the said county, made his last will and testament bearing date the second day of July, Anno Domini, one thousand eight hundred forty-nine, which will was after his death duly proved, and remains in the regis-

Preamble.

ter's office of said county, wherein he devised and bequeathed to his wife Catharine Shultz, during her natural life, the whole of his real and personal estate, and after her death to all his collateral heirs :

And whereas, A part of the real estate devised as aforesaid, is not sufficiently productive, and is in such a state of dilapidation as that it would be to the interest of all persons interested therein that the same should be sold ; therefore,

Executrix of
Peter Shultz,
deceased, author-
ized to sell cer-
tain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same*, That Catharine Shultz, executrix of the last will of Peter Shultz, late of the borough of Huntingdon, in the county of Huntingdon, deceased, be and is hereby authorized to sell at public sale, and by deed or deeds, convey part of the real estate of the said Peter Shultz, deceased, to wit : lot number fifty-two in the plan of the borough of Huntingdon, adjoining a lot of Thomas Fisher on the west, and a lot of Thomas Wallace on the east, fronting fifty feet on Allegheny street, in said borough, having a barn thereon ; also an out lot situate in Henderson township, in said county of Huntingdon, adjoining a lot of William Orbison on the north, Standing Stone creek on the east, and a lot of the heirs of William Steel, deceased, on the south, containing twelve acres more or less ; and also the undivided half part of a small parcel of unimproved land in Henderson township, in said county, adjoining lands of Fisher and M'Murtrie, Daniel Africa, esquire, and others ; she the said Catharine Shultz being authorized by deed or deeds to convey to and vest in the purchaser or purchasers, and their heirs and assigns, the interest and estate which the said Philip Shultz had and held in the said real estate at the time of his death : *Provided*, That before the said Catharine Shultz shall proceed to execute the power and authority given and granted hereby, she shall file a bond in the orphans' court of said county of Huntingdon, in such an amount, and with such security as shall be approved by said court, conditioned for the faithful payment by her representatives at her death, of the purchase money (exclusive of interest,) arising from any such sale or sales as she may make to the persons to whom the real estate would belong at her death, if not sold, and in the same proportions as the real estate which it represents would be vested under the said will of Philip Shultz, deceased.

Further provi-
sions.

SECTION 2. That before a sale of any of the real estate mentioned in the first section of this act shall be made, it shall be made to appear to the orphans' court of the county of Huntingdon, that a sale of the same would be to the mutual advantage of all parties interested in said real estate ; and all sales made by virtue of the provisions of this act, shall be made under the control and direction of the orphans' court of said county, and shall be confirmed or set aside by said court, as may in its judgment best secure the rights and promote the interests of all parties concerned.

College estab-
lished in or near
the borough of
Bedford.

SECTION 3. That there be and hereby is erected and established at or near the borough of Bedford, in the county of Bedford, a college for the education of youth in the various branches of science and literature, the useful arts, agriculture, and the learned and foreign languages, by the name, style and title of " Rittenhouse college."

Commissioners.

SECTION 4. That James M. Russell, David Patterson, William H. Watson, William Lyon, Samuel Brown, Nicholas Lyons, Solomon Filler, Job Mann, William T. Daugherty, Daniel Washabaugh, William P. Schill, Samuel M. Barclay and Espy L. Anderson, or any seven of them, are hereby appointed commissioners to open books and receive subscriptions for the purpose of procuring means to purchase

Duties.

real estate and erect suitable college buildings, and adopt all other measures that may be necessary to carry into full effect the object of this act.

SECTION 5. That upon the subscription of a sum of money sufficient in the opinion of said commissioners to authorize the commencement of the construction of said college buildings, a meeting of the subscribers shall be called by said commissioners, by notice published in one or more newspapers in the borough of Bedford, for the purpose of electing trustees of said college, which said trustees when elected, and their successors, shall forever thereafter be one body politic and corporate in deed and in law, by the name, style and title of "Trustees of Rittenhouse college," entitled to all the rights, powers and privileges granted and conferred upon the trustees of Lafayette college, by the third and fourth articles of the first section of the act for the establishment of a college at Easton, in the county of Northampton, passed the ninth day of April, eighteen hundred and twenty-six.

Meeting of subscribers.

Election of trustees.

Style.

Privileges.

SECTION 6. That the said trustees shall also have power to adopt a constitution and by-laws for the establishment of professorships, the conferring of degrees and granting of diplomas, and for the general government of said college: *Provided*, That the same shall not be inconsistent with the constitution and laws of the United States or of this commonwealth.

By-laws.

SECTION 7. That no person shall be employed or be concerned in the business or employment of hawking or peddling, unless licensed previously, any kind of teas or spices within the cities of Pittsburg or Allegheny, or neighboring boroughs; and if any person shall go from house to house within the limits of said cities or boroughs, to sell or expose to sale such articles, the person so offending shall forfeit and pay for every offence the sum of twenty dollars, to be sued for and recovered by action of debt before any alderman or justice of the peace, as debts of like amount are by law recoverable, by any person who may sue for the same, one-half to the informer and the other half to the city or borough in which the offence may have been committed.

Penalty for hawking and peddling from house to house in the cities of Pittsburg and Allegheny, and neighboring boroughs.

SECTION 8. That from and after the passage of this act the rifle company of Washington Greens, in the county of Wyoming, shall be and it is hereby changed into an infantry corps, to be called the Wyoming Guards, and that all acts done under the former name of the Washington Greens, shall not be affected in any manner by this act, and that the said corps shall enjoy all the advantages in point of date or age of company officers as if this act had not been passed.

Name of the Washington Greens, rifle company, and that changed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 387.

AN ACT

For the relief of David Clark and Andrew Clark, of Columbia county, and to erect a new county out of parts of Columbia county, to be called Montour.

Canal commis-
sioners author-
ized to examine
the claim of Da-
vid and Andrew
Clark.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That it shall be the duty of the canal commissioners to examine what amount of damages, if any, have been sustained by David Clark and Andrew Clark, of Columbia county, by the construction of the North Branch canal through the said David and Andrew Clark's property, in Montour township, of said county, and to report the sum, to which in equity and justice they shall think them entitled, to the next legislature.

Boundaries.

SECTION 2. That all that part of Columbia county included within the limits of the townships of Franklin, Mahoning, Valley, Liberty, Limestone, Derry, Anthony, and the borough of Danville, together with all that portion of the townships of Montour, Hemlock and Madison, lying westward of the following line: beginning at Leiby's saw mill, on the bank of the river Susquehanna; thence by the road leading to the Danville and Bloomsburg road, at or near Samuel Lazarus's house; thence from the Danville and Bloomsburg road to the Back Valley road at the end of the lane leading from said road to Obed Everett's house; thence by said lane to Obed Everett's house; thence northward to the school house near David Smith's, in Hemlock township; thence by the road leading from said school house to the state road at Robin's mill, to the end of the lane leading from said road to John Kinney's house; thence by a straight line to John Townsend's, near the German meeting house; thence to Henry Johnston's, near Millville; thence by a straight line to a post in the Lycoming county line, near the road leading to Crawford's saw mill, together with that part of Roaring Creek township, lying south and west of a line beginning at the south-eastern corner of Franklin township; thence eastward by the southern boundary line of Catawissa township to a point directly north of John Yeager's house; thence southward by a direct line, including John Yeager's house, to the Schuylkill county line, at the north-east corner of Barry township: *Provided however,* That at no time hereafter shall any portion of the territory now embraced within the limits of the county of Northumberland be annexed or attached to the said county of Montour, without the unanimous consent of the qualified voters of said county of Northumberland, be and the same is hereby erected into a separate county, to be called Montour, and the seat of justice for the same is fixed in the borough of Danville.

Name.

Costs for erecting
the court house
and jail, by
whom to be
borne.

SECTION 3. That the borough of Danville shall furnish, at their own proper cost, and without charge upon the citizens of the said townships, for the use of the said county of Montour, the court house and jail, together with the lots of ground on which they are situated, and all the appurtenances thereto belonging in the said borough, and which formerly were the property of the county of Columbia; and all repairs necessary to keep the said buildings in suitable repair for and during all that period of time which the same shall be used for the purposes afore-

said, shall be made by and at the charge, expense and cost of the borough of Danville.

SECTION 4. The citizens of the county of Montour, who are qualified to elect members of the legislature agreeably to the constitution and laws of this commonwealth, shall, at the general election in October next, at their respective election districts in said county, elect three county commissioners, who, when duly elected and qualified to enter upon the duties of their offices, shall have all the authority and privileges with respect to their county, and shall receive the same compensation as commissioners elected in and for other counties in this commonwealth have by law; and the citizens so voting shall designate on their tickets what candidate is to serve for one year, who for two years, and who for three years, and their places shall be supplied as directed by law in other counties in this commonwealth; and on the election of the said commissioners, the power of the commissioners of Columbia shall cease and determine in the said county of Montour; and the citizens qualified as aforesaid shall at the same time elect three reputable citizens to be auditors for adjusting and settling the accounts agreeably to the law in such cases, and the voters shall designate the term for which each shall hold his office as aforesaid; and the said citizens shall at the same time and places elect one reputable citizen to be sheriff of the said county of Montour, one to be coroner, one to be prothonotary and clerk of the several courts, and one to be register and recorder, and one to be treasurer of the said county, for the term designated by law for such officers in other counties; and when said officers so elected shall be qualified to enter upon the duties of their offices, they shall be severally entitled to like fees and emoluments that other offices of the same kind are entitled to by law in other counties in this commonwealth, and their places shall be supplied as in other counties; and it shall be the duty of the governor to nominate and appoint two reputable citizens in the said county of Montour, as associate judges in and for the said county in the month of October next.

Election of county officers.

SECTION 5. All suits that shall be pending and undetermined in the court of common pleas of Columbia county, on the first day of November next, where the defendant in such suit or suits shall at the time be resident in the county of Montour, shall be transferred to the court of common pleas of Montour county, and shall be considered as pending in the said court, and shall be proceeded on in like manner as if the same had been originally commenced in said court, except that the fees on the same due to the officers of Columbia county, shall be paid to them when recovered by the officers of Montour county; and the prothonotary of Columbia county shall purchase a docket and copy therein all the docket entries respecting the said suits to be transferred as aforesaid, and shall on or before the tenth day of November next, have the said docket, together with the records, declarations and other papers respecting such suits, ready to be delivered to the prothonotary of Montour county; the expenses of said docket and copying to be paid by the prothonotary of Montour county, and reimbursed by the said county of Montour, by warrants to be drawn by the commissioners of Montour county on the treasurer thereof.

Suits.

Dockets.

SECTION 6. All taxes shall be assessed and collected as heretofore done, until the first day of November next, after which time the county of Montour shall be considered organized: *Provided*, That the county tax collected after the passage of this act within the county of Montour, shall be expended in the county, or the surplus, if any shall remain at the time of the organization of the said county of Montour, shall be paid by the county of Columbia to the county of Montour.

Taxes.

- Officers to give bond.** **SECTION 7.** All such officers as are by law required to give security for the faithful discharge of the duties of their respective offices, who shall hereafter be elected or appointed in the said county of Montour, before they or any of them shall enter on the execution thereof, shall give sufficient security in the same manner, form and amount, for the same uses, trusts and purposes as such officers for the time being are obliged by law to give in the county of Columbia.
- Sheriff, coroner and other officers of Columbia county, to exercise the duties of their respective offices until, &c.** **SECTION 8.** The sheriff, coroner and other officers of the county of Columbia, shall continue to exercise the duties of their respective offices within the county of Montour as heretofore, until similar officers shall be elected and qualified to act within said county; and the persons who shall be appointed associate judges for the county of Montour, shall take and subscribe the requisite oaths or affirmations of office, before the prothonotary of the court of common pleas of the county of Columbia, who shall file a record of the same in the office of the prothonotary of the court of common pleas of the county of Montour.
- Counties of Columbia and Montour to continue to elect members, &c., until, &c.** **SECTION 9.** The citizens of the counties of Columbia and Montour shall, until the next apportionment by the legislature, elect members of the house of representatives, of the senate and of congress, as if this act had not been passed.
- Commissioners of the county of Montour to take deeds of conveyance.** **SECTION 10.** The commissioners of the county of Montour, who shall be elected at the general election in October next, shall take a deed or deeds of conveyance to them and their successors in office, for the court house, jail and lots of ground on which they stand, with the appurtenances, situate in the borough of Danville, and which were formerly the property of the county of Columbia, which shall be granted and conveyed to them in fee simple by the borough of Danville previous to the organization of the county of Montour; and the courts in and for the said county shall be held in the said court house, and the prisoners kept in the said jail.
- Jurisdiction of the supreme court.** **SECTION 11.** The judges of the supreme court shall have like powers, jurisdictions and authorities within the said county of Montour, as by law they are vested with and entitled to have and exercise in other counties of this state; and the said county of Montour is hereby annexed to the northern district of the supreme court.
- Montour county annexed to the 8th judicial district.** **SECTION 12.** The county of Montour shall be annexed to and compose a part of the eighth judicial district of this commonwealth; and the courts of the said county of Montour shall be held on the second Monday after the commencement of the courts in Lycoming county, and to continue one or more weeks if necessary; and the first court shall be held in the said county of Montour in December next.
- Manner of conducting legal proceedings.** **SECTION 13.** All writs and legal proceedings shall be issued and conducted in the same manner as though this act had not been passed, until the first day of November next, at which time all records and legal proceedings properly belonging to the county of Montour, shall be transmitted to the proper offices in the said county, and proceeded upon by the proper authorities of the county of Montour; and thereafter all writs shall be returnable to the proper authorities in the said county of Montour; and the writs returnable to the first term of the courts in the said county, shall bear test as of the date when they issue, and shall be executed and returned as is provided by the laws of this commonwealth.
- Madison township erected.** **SECTION 14.** That all that part of Madison township aforesaid, lying and being within the limits of Montour county, be and the same is hereby erected into a separate township, to be called Madison.
- West Hemlock erected.** **SECTION 15.** That part of Hemlock township aforesaid, lying and being within the limits of Montour county, be and the same is hereby erected into a separate township, to be called West Hemlock.

SECTION 16. That part of Montour township aforesaid, lying and Cooper township being within the limits of Montour county, be and the same is hereby erected. erected into a separate township, to be called Cooper.

SECTION 17. That part of Roaring Creek township aforesaid, included Roaring Creek within the limits of Montour county, be and the same is hereby erected township erected. into a separate township, to be called Roaring Creek.

SECTION 18. Each of the before named townships within the county of Montour, shall form separate election districts; and the general and Separate election township elections in and for said townships shall be held on the same districts. days fixed by law for holding said elections in other townships within said county, and at the following places, viz :

For the township of Madison, at the house of John Welliver, in Jerseytown, in said township.

For the township of West Hemlock, at the house of Burtis Arn- Place of holding wine, in said township. elections.

For the township of Cooper, at the house formerly kept by Jacob Rishel, now owned by Thomas Ritter, in said township.

For the township of Roaring Creek, at the house of David Yeager, in said township.

SECTION 19. The qualified voters in each of said townships, who shall be present at the place of holding elections at the hour fixed by law for opening the general election to be held on the second Tuesday in October next, shall choose, by a majority of the voters present, from their number, one person to serve as judge of elections, and two persons to serve as inspectors of elections, who, after being sworn or affirmed according to law, shall appoint clerks for said elections; and the officers so elected and appointed shall hold said elections in the manner provided by law, and shall perform the duties by law required of said officers in other townships in said county, and be subject to the same penalties for violation of their duties. Election of officers.

SECTION 20. The said judges and inspectors shall act as judge and inspectors of the township election to be held in said townships on the third Friday of March next; at which time, and annually thereafter, the qualified voters of the said townships respectively shall elect, in the manner now provided by law for each of said townships, the several township officers now required by law to be elected in other townships in said county, who shall perform the same duties, and be subject to the same restrictions and penalties, as provided by law in other cases: *Provided*, That at the first township election to be held in each of said townships on the third Friday of March next, six school directors shall be elected for each of said townships, two to serve for one year, two to serve for two years, and two to serve for three years: *And provided further*. That only so many justices of the peace shall be elected in each of said townships as shall be required to fill the vacancies which may then exist in said townships. Election of township officers.

SECTION 21. The several justices of the peace and constables heretofore elected in the townships of Madison, Hemlock, Montour and Roaring Creek, who reside within the limits of Montour county, and whose term of office for which such persons were respectively elected has not expired, shall continue to hold said office, and discharge and perform all the duties appertaining to the same within the respective townships erected by this act, in which said officers reside, until the expiration of the term of office for which such officers shall have been elected, in like manner as if they had been elected after the organization of the county of Montour: *Provided*, That in all process issued by said justices after the first day of November next, the name of Montour county shall be substituted for the name of Columbia county. Justices of the peace in said townships, who reside within the limits of Montour county, to hold their offices, &c.

LAWS OF PENNSYLVANIA,

Overseers of the poor, supervisors and school directors to continue in their offices, &c.

SECTION 22. The several overseers of the poor, supervisors and school directors now in office within the townships of Madison, Hemlock, Cooper and Roaring Creek, shall continue to exercise and perform all the respective duties of their said offices within and throughout the limits of the whole township for which they were respectively elected, until the next annual township elections, in like manner, and with like force and effect, as if no division of Columbia county, or of the said township, had taken place.

Commissioners to run the division line between the counties of Columbia and Montour.

SECTION 23. That Abraham Stroub, of the borough of Milton, in Northumberland county, David Rockafellow, of Sunbury, Northumberland county, and Isaiah B. Davis, of the borough of Milton, in said county of Northumberland, be and they are hereby appointed commissioners to run the division line between the counties of Columbia and Montour; and the said commissioners above named, or any two of them, are hereby authorized to meet at the house of David Yeager, in Roaring Creek township, in Montour county, on the third Tuesday of May next, and after having appointed two chain-carriers and one axeman, to proceed to run said division line between the counties aforesaid, commencing at the end of said division line, at the Schuylkill county line, and shall mark said line upon the ground; and shall also make a plot or draft of the said line so run by them, a copy of which, signed by the said commissioners, or a majority of them, shall be filed in the office of the prothonotary in each county.

Compensation of said commissioners.

SECTION 24. The said commissioners shall each receive as a compensation for their services, which they are required by this act to perform, the sum of four dollars per day for each and every day employed in completing said service; and the chain carriers and axeman shall each receive the sum of two dollars per day for every day employed by them; which expenses shall be paid, one-half by the commissioners of Columbia county, and one-half by the commissioners of Montour county.

Burgess and town council of the borough of Danville authorized to convey certain real estate.

SECTION 25. The chief burgess and town council of the borough of Danville are hereby empowered and authorized to grant and convey, by deed, to the commissioners of Montour county, for the use of the county of Montour, all those several lots of land situate in the borough of Danville, on which the old court house and jail are erected, including all those several lots, public buildings and appurtenances formerly belonging to the county of Columbia.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 388.

A SUPPLEMENT

To an act to incorporate the Island, in Conemaugh township, Cambria county, into a borough, to be called Conemaugh; and authorizing the auditor general to examine the claims of Jonathan Large; to incorporate the Indiana and Cherry Tree plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the boundaries of the borough of Conemaugh, in the county of Cambria, be and they are hereby enlarged as follows, viz: beginning at the south-west corner of said borough; thence north forty degrees east sixty-four perches to a post; thence by a north-westerly course to the Conemaugh river; thence down the margin of the said river to where it strikes the line of the borough aforesaid; thence by the said borough line to the place of beginning, and the land included within the above mentioned limits is hereby made part and parcel of said borough, as fully as if it had been included in the act incorporating the same.

Boundaries.

SECTION 2. That the borough of Conemaugh aforesaid, be and the same is hereby erected into a separate election district, and the qualified electors thereof shall hold their general and borough elections at school house, No. 1, in said borough, and George W. Easley is hereby appointed judge, and David Prosser and John Headrick inspectors, to hold the elections in said borough until others are elected for that purpose.

Erected into a separate election district.

SECTION 3. That the auditor general of the state be and he is hereby authorized and directed to examine into the claims of Jonathan Large, late brigade inspector of the first brigade, fifteenth division, Pennsylvania militia, for costs on suit authorized to be entered against Robert Lee, junior, and Robert Lee, senior, by the auditor general; and also for rent paid by the said brigade inspector for a depository of arms, if the same shall have been authorized by the adjutant general, or any existing law, and report to the legislature at as early a day as practicable.

Auditor general authorized to examine the claim of Jonathan Large, late brigade inspector.

SECTION 4. That Daniel Stanard, James Taylor, Robert Mitchell, senior, Alexander Taylor, James Sutton, Edward Paige, William Houston, senior, Samuel Prindle, senior, William Banks, James Baily, John Houston, James Moorhead, Abraham Lydick, William Evans, John Barr, Archibald Stewart, Samuel Howe, senior, Edward O'Neil, George Spaulding, Robert Huston, John Clark, Edward Turner, James D. Baldwin, Benjamin Pitman, junior, John Armstrong, E. B. Camp, George Gamble, of Indiana county, A. B. Waller, Reader King, Edward King, of Clearfield county, and John Kinport, of Cambria county, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Indiana and Cherry Tree plank road company," to locate and construct a plank road, or a road partly plank and partly turnpike, from the borough of Indiana, to the Cherry Tree or Canoe place, on the Susquehanna river, in Indiana county, subject to all the provisions and restrictions of an act, entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth

Commissioners.

Style.

Location.

Subject to provisions of certain act.

day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto, so far as the said act and the supplements are not inconsistent with the provisions of this act.

Capital stock.

SECTION 5. That the capital stock of said company shall consist of one thousand shares, at twenty dollars per share: *Provided*, That the said company may from time to time, at a meeting or meetings of the stockholders called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the said road, according to the true intent and meaning of this act.

Commencement and completion of road.

SECTION 6. That the said company shall commence the construction of said road within three years from the passage of this act, and should the said company fail to complete the said road within fifteen years from and after the same shall have been commenced, then this act shall be null and void, except so far as the same may be necessary for the purpose of settling the affairs and paying the debts of said company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 389.

AN ACT

To prohibit the sale of spirituous liquors to Indians in Warren county; to incorporate the Philadelphia steam pump and towing company; and to authorize Isaac Heister to sell and convey certain real estate.

Penalty for selling spirituous liquors to the Indians in Warren county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act it shall not be lawful for any person or persons to sell, or cause to be sold, within the county of Warren, to any Indian or Indians, any spirituous or vinous liquors; and any person or persons so offending against the provisions of this act, shall forfeit and pay a penalty of thirty dollars for each offence, the one-half thereof to the person who shall sue for and recover the same, and the other half to the overseers of the poor of the borough or township where the offence is committed; which penalty may be recovered as debts of like amount are now by law recoverable.

Corporators.

SECTION 2. That George M'Henry, William M. Baird, William Craig, Francis W. Rawle, William G. Alexander, Peter Rambo, James M'Clintock, Matthew Van Dusen, John Robbins, junior, Benjamin Baker and their associates, and such other persons as may hereafter

become stockholders in the company called the Philadelphia steam pump and towing company, their successors and assigns, shall be and they are hereby made and constituted a body politic and corporate, for the purpose of using steam pumps, and steam or sailing vessels, for the aiding and relieving ships or vessels in distress, or wrecked or in danger of being wrecked or stranded, and of towing vessels and transporting merchandize or passengers to or from the port of Philadelphia or elsewhere, by the name, style and title of "The Philadelphia steam pump and towing company;" and by the same name, style and title, shall have all the privileges and immunities belonging to a corporation; may sue and be sued, plead and be impleaded, complain and defend, in all courts of law and equity, of record and otherwise; may purchase, receive, have, hold and enjoy, to them, their successors and assigns, all estate, real, personal and mixed, of what kind and quality soever, as may be necessary for the purposes of the company, and the same from time to time may sell, convey, mortgage, grant, alien and dispose of; may make dividends of such portions of their profits as they may deem proper; and also, make and have a common seal, the same to alter and renew at pleasure; and also, to establish, ordain and put in execution such by-laws or ordinances and regulations as shall appear necessary and convenient for the government of said corporation hereby created, not being contrary to the constitution and laws of the United States and of this commonwealth; and generally may do all singular the matters and things which to them shall lawfully appertain to do for the well-being of the said corporation, and the due ordering of the affairs and business of the same: *Provided*, That the real estate held shall not exceed twenty thousand dollars in value, and that nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges or franchises whatever.

Object.

Style.

Privileges.

SECTION 3. That the capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into four thousand shares of twenty-five dollars each, for which certificates shall be issued, signed by the president and secretary, and sealed with the common seal of the corporation; said stock may be transferred in person or by attorney, under such regulations as may be prescribed by the by laws.

Capital stock.

SECTION 4. Seven directors shall be elected annually by ballot, on the second Monday of November, by the stockholders or by their legally constituted agents, and each share of the stock shall entitle the holder thereof to one vote: the directors shall elect one of their number president, and such other officers, and appoint such agents as they may deem necessary, and fix the amount of the salaries attached to the several offices, and shall exercise all the powers necessary to promote the interests of the corporation: *Provided*, That nothing contained herein shall be understood to authorize or permit said company to carry passengers or merchandize to or from Philadelphia and any intermediate point or place on the Delaware river or bay, northward of the Break-water.

Annual election of directors.

WHEREAS, Daniel Ruth and Ellen, his wife, executed a deed to Isaac Heister for a house and lot of ground of about one acre, situate in the village of Sinking Spring, in Berks county, in trust, to hold the same for and during the life of the said Ellen, and after her decease, for the children of the said Ellen, which she might have by her husband:

Preamble.

And whereas, The said Daniel Ruth having died without issue, leaving the said Ellen, his widow, who has since intermarried with Jeremiah Fisher, and has two children by him:

And whereas, It is the desire of the said Ellen Fisher, Jeremiah Fisher and Isaac Heister, to sell and dispose of the said house and lot

of ground, and invest the proceeds in some other productive real estate; therefore,

Isaac Heister,
trustee, author-
ized to sell cer-
tain real estate.

SECTION 5. That Isaac Heister, trustee as aforesaid, is hereby authorized and empowered to sell, at public or private sale, the said house and lot above described, and execute, make and deliver to the purchaser thereof a deed or indenture conveying the same, in fee simple, freed and discharged from the said trust, and the proceeds of sale to be re-invested in the purchase of other good and productive real estate in trust for the same uses and trusts as the same is now held.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 390.

AN ACT

Regulating the municipal and other elections in the city of Philadelphia, and to establish an uniform system of police for the city of Philadelphia and the districts of Southwark, Moyamensing, Spring Garden, Penn Township, the incorporated Northern Liberties and Kensington.

Time of holding
election.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That hereafter the elections in the city of Philadelphia, now held on the second Tuesday of October, in the state house on Chestnut street, and the elections now held on the third Friday in March, at the respective ward houses, shall be held on the second Tuesday in October, in the respective wards at the places where ward elections are now or may hereafter be held; and the mayor and select and common councils of said city shall be elected as is hereinafter provided for.

City divided into
four election dis-
tricts for the elec-
tion of the select
council.

SECTION 2. That for the election of members of the select council, the said city shall be divided into four election districts, as follows: the first district shall extend from the Delaware river to the Schuylkill river, and from the south side of Vine street to the north side of Mulberry street, inclusive; the second district from the Delaware river to the Schuylkill river, and from the south side of Mulberry street to the north side of Chestnut street, inclusive; the third district from the Delaware river to the Schuylkill river, and from the south side of Chestnut street to the north side of Spruce street, inclusive; and the fourth district from the Delaware river to the Schuylkill river, and from the south side of Spruce street to the north side of Cedar street, inclusive; and

the qualified citizens of each of said districts shall meet in every year at the time and places hereinbefore provided, and then and there elect one member of select council for each district, who, in addition to the qualifications now required by law, shall have resided within the district for which he is elected one year next preceding such election; and should any vacancy occur by death, resignation or otherwise, the qualified voters of the district in which the member, by whose death, resignation or otherwise the vacancy was created, shall have resided, shall elect at the next election a successor, who shall fill the office for said member's unexpired term.

SECTION 3. That for the election of members of the common council, the said city shall be divided into seventeen election districts, to consist as follows: the first district shall be Upper Delaware ward; the second district Lower Delaware ward; the third district High Street ward; the fourth district Chestnut ward; the fifth district Walnut ward; the sixth district Dock ward; the seventh district Pine ward; the eighth district New Market ward; the ninth district Spruce ward; the tenth district Lombard ward; the eleventh district Cedar ward; the twelfth district Locust ward; the thirteenth district South ward; the fourteenth district Middle ward; the fifteenth district North ward; the sixteenth district South Mulberry ward, and the seventeenth district North Mulberry ward; and the qualified citizens of each of said districts shall meet in every year at the time and places hereinbefore provided, and then and there elect one member of common council for each district, except the twelfth, fifteenth, sixteenth and seventeenth districts, which shall each elect two members, who, in addition to the qualifications now required by law, shall have resided within the district for which he is elected, six months next preceding his election; and in each ward containing two precincts, the election in each precinct shall be held at separate windows: *Provided*, That nothing herein contained shall be so construed as to interfere with, or in any way affect existing laws in reference to the election or appointment of judges, inspectors and clerks of elections, except so far as relates to the time for holding the same.

For the election of members of the common council, city divided into seventeen election districts.

SECTION 4. At the said elections the mayor and select and common councils shall be voted for on one ticket, marked on the outside, "Municipal officers;" and the alderman, judge and inspectors of the election, assessors and constables, shall be voted for on one ticket, marked on the outside, "Ward officers;" and it shall be the duty of the county commissioners to furnish the officers of each election district with a separate box for municipal officers, and another for ward officers.

Mode of voting.

SECTION 5. The officers of each election district shall make triplicate returns of the election provided for by this act, one of which shall be filed in the office of the prothonotary of the court of common pleas of Philadelphia; another of which shall be transmitted to the president of the select council; and another handed to the judge of the election, to be by him delivered to the city clerk, on or before the Friday following said election; and the officers of the respective election districts shall immediately notify the member or members elect of select and common councils of their election, within forty-eight hours after the closing of the polls; and the clerks appointed by the return judges shall receive the same compensation for their services as is now allowed by law to the judges and inspectors of the general elections.

Triplicate returns.

SECTION 6. That so much of any law or laws of this commonwealth as conflicts with the provisions of this act, be and the same is hereby repealed.

Repeal.

SECTION 7. That on the second Tuesday of October next, and at the general election in every three years thereafter, the qualified voters of

Marshal of police.

- the city of Philadelphia and the incorporated districts of the Northern Liberties, Spring Garden, Kensington, Richmond, Penn, Southwark and Moyamensing, in the county of Philadelphia, shall elect one suitable person to be called "Marshal of police for the Philadelphia police district," who shall hold said office for the term of three years, if he so long behave himself well, and until a successor shall be elected and duly qualified according to the provisions of this act.
- Term of office.** SECTION 8. That all elections at any time hereafter to be held under and in pursuance of this act shall be held and conducted at the same place and hour, and in the same manner, as by the laws of this commonwealth the elections for members of the assembly for the city and for the county of Philadelphia shall then be held and conducted; and shall be subject to the same rules, regulations, penalties and provisions, in all respects and for all purposes whatsoever; the return judges for the city and the incorporated districts herein named shall meet together in the city of Philadelphia, and make up the returns of votes cast for said marshal of police, and make duplicate returns thereof, one of which shall be filed in the proper office, with the other returns of said election, and the other shall be deposited in the office of the clerk of the court of quarter sessions, for the use of the judges thereof, who shall declare who is elected, and furnish him with a certificate thereof.
- Manner of conducting elections.** SECTION 9. That said marshal so from time to time to be elected as aforesaid shall be a citizen of and resident in said city or one of said districts; he shall receive an annual salary or stipend of two thousand dollars, which shall be paid by the said city and each of said districts quarterly, in equal proportions, according to taxable inhabitants; and shall serve until his successor shall be duly elected and qualified.
- Marshal elected, to be a citizen of the city or one of said districts.** SECTION 10. That in case of the death, removal or resignation of such marshal during the term for which he shall be so elected as aforesaid, the city councils and the commissioners of each of the districts mentioned in this act, in joint meeting, shall forthwith supply his place by an election by their body, in which a majority of their votes shall govern; and the person so by them elected shall take the place of the said person who has so died, removed or resigned, and shall continue to be such marshal for the unexpired time or term for which said person was elected to serve.
- Vacancy, how supplied.** SECTION 11. That the said marshal, during his continuance in office, shall be exempted from the duties of juror, and from all military service.
- Exempt from military service, &c.** SECTION 12. That the said marshal shall, before entering on the duties of his office, take an oath or affirmation before one of the judges of the court of common pleas of the county of Philadelphia, that he will perform the duties of his said office honestly and to the best of his ability; and he shall thereupon be duly qualified and empowered to act as such marshal of police for all the purposes of said office; and he shall be vested with powers similar to those of the mayor of the city of Philadelphia and of the sheriff of the county of Philadelphia, in relation to the preservation of the peace, the prevention and suppression of crimes and misdemeanors, and the detection and arrest of offenders.
- Take oath.** SECTION 13. The said marshal (and the policemen) hereinafter mentioned, shall receive no fee, perquisite or reward for any service performed by him or them under and by virtue of this act, other than the salary herein mentioned; and any marshal or policemen who shall demand or receive any such fee, perquisite or reward, or offend in any manner against the provisions of this act, shall forfeit and pay as a penalty, double the amount of the fee, perquisite or reward so received, and also, the sum of fifty dollars for each offence, which may be sued
- Powers.**
- Marshal or policemen to receive no fees or rewards.**

for by any person in an action of debt in the corporate name of said city or districts, and recovered; one half of the same to the use of the informer or party suing, and the other half to the use of the county of Philadelphia, to be paid to the treasurer thereof.

SECTION 14. That the said city and districts for the purposes of this act and for no other purposes whatsoever, shall form one consolidated district, by the name of "The Philadelphia police district." Style.

SECTION 15. That the said city of Philadelphia shall be divided into four sub-districts, and each of the incorporated districts named in this act shall be constituted a sub-district; and the select and common councils of the said city, and the commissioners of the several incorporated districts herein named, shall respectively elect a lieutenant of police for each of the sub-districts. City of Philadelphia divided into four sub-districts.

SECTION 16. It shall be the duty of the select and common councils of the city, and the commissioners of each of the districts aforesaid, within one month after the said marshal shall have been duly qualified, and whenever a vacancy may occur, to nominate respectively to said marshal at least three times the number of policemen required to be provided for said city and districts; and said marshal shall appoint from the names so presented, the number required; and in case of neglect or refusal on the part of said city and districts, or any of them, to nominate as aforesaid for the space of thirty days, then and in such case said marshal shall appoint absolutely; and said policemen shall hold their appointments for one year, if they shall so long behave themselves well; and said marshal shall have power to remove from office any of said policemen for any refusal or neglect to perform the duties of said office, or for incompetency or misconduct; *Provided*, That the number of said policemen shall at no time exceed one for every one hundred and fifty taxable inhabitants as enumerated at the last septennial assessment, nor less than one for every six hundred taxable inhabitants of said city and districts: *Provided further*, That all policemen or watchman who may be now or hereafter in commission under any law, ordinance or regulation, or may be appointed under this act, shall be subject to the control of said marshal of police for all the purposes of this act: *Provided however*, That all appointments made to fill vacancies shall be for the unexpired term of the person or persons in whose place they may be appointed. Select and common council, duties of.

SECTION 17. The said marshal, together with the several lieutenants of police, shall form a board of police, and make such useful rules and regulation for the proper government of the police provided for by this act, and shall keep an office in the city of Philadelphia, to be called the chief police station; at which office proper books and registers shall be kept open for the public inspection, which books and registers shall be for the record of the transaction of said board, and of the sub districts; among the rules which said board shall adopt, shall be rules for giving prompt and efficient signals for the assembling of the police; for placing under requisition any and as many omnibusses, cabs or other modes of conveyance as may be necessary to carry the said police promptly to any point where their services may be required to put down riots; and for the assembling at least once a month in their proper district, all the police for said district, for the purpose of inspection by the said marshal of police. Board of police, duties of.

SECTION 18. That all persons who shall be organized under this act as the police force, for the police station hereby established, shall for all the purposes of this act, have full power and authority to act in any part of the city or incorporated districts aforesaid. Further powers.

SECTION 19. It shall be the duty of the marshal of police under this act, or one or more of the lieutenants of police, to be present at all fires Marshal or one or more lieutenants.

ants to be present at all fires, &c. occurring in said city or incorporated districts, and to aid and assist in preserving the public peace and the protection of property; and for this purpose the said board of police shall have power to make all needful rules and regulations, and require the attendance of as many of the policemen as they may think proper and necessary.

Police officers, by whom to be paid.

SECTION 20. The police officers selected by the councils of the said city, shall be paid out of the treasury thereof, and the police officers selected by the commissioners of said districts, shall be paid out of the treasury of each district respectively; it shall be the duty of the select and common councils of the city, and the commissioners of each of the incorporated districts mentioned in this act, to provide suitable and convenient station houses for the police in proper localities in said city, and each of said districts respectively, for the accommodation of said police, and for securing persons arrested by them; the compensation of said policemen who are not already, or may hereafter be appointed under any law, ordinance or regulation of said city or incorporated districts, shall not be less than one dollar per day.

Mayor, judges and aldermen to have the power of justices of the peace, &c., for the whole of said police district.

SECTION 21. That each and every mayor, judge and alderman, or other person now having, or that may hereafter have the powers of a justice of the peace and committing magistrate within and for said district, or any part of the same, may and shall be a justice of the peace and committing magistrate for the whole of said police district, for the purposes of this act and of said police and police establishment, and for no other purpose, and shall have power and be required upon the charge or complaint of said marshal, or his officers or men, or any of them, to issue a warrant for, or cause the arrest of any person or persons within said district, and to bind over or commit any person or persons held or arrested by said marshal, or his officers or men, if it be proper so to do according to law.

Duty of marshal in case of riot.

SECTION 22. That if any persons shall be unlawfully, riotously and tumultuously assembled together, to the number of twelve or more, so as to endanger the public peace of said police district, it shall be the duty of said marshal in person, or in case of his absence or inability to command, of the officer then in command of said police, to go among the said rioters, or as near to them as he can safely go, and then and there with a loud voice make proclamation in the name of the commonwealth, requiring and commanding all persons there so unlawfully, riotously or tumultuously assembled, and all other persons not being there on duty as police, immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business; and if such persons notwithstanding such proclamation made, unlawfully, riotously or tumultuously remain or continue together, to the number of twelve or more after such proclamation made, then such continuing together shall be adjudged a misdemeanor, and the said offenders upon conviction thereof shall be sentenced to undergo a solitary confinement at labor in the county prison, for a period not less than one month nor more than two years, and any person arrested upon whose person, or in whose possession shall be found fire-arms, or any other deadly weapon, shall be deemed guilty of an intention to riot, whether said fire-arms or deadly weapon shall be used or not, unless the contrary can be satisfactorily established, and punished accordingly.

Make proclamation.

Further proceedings.

If rioters continue together after proclamation to disperse, marshal and police may command all ward constables, &c., to assist.

SECTION 23. That if after proclamation made as aforesaid, or if the said marshal or other officer of police so authorized as aforesaid, shall attempt to make such proclamation, and shall be prevented by force from making the same, then after such attempt made, if such persons so unlawfully, riotously or tumultuously assembled, shall continue together and not disperse forthwith, then it shall be lawful for the said

marshal and police, and such other person or persons as shall be commanded to assist under said marshal, who is hereby authorized to command all ward constables, and citizens of age and ability to assist him therein to disperse, seize or apprehend such persons so unlawfully, riotously or tumultuously continuing together, after proclamation made or attempted to be made as aforesaid, and they are hereby required so to do, and to use all necessary force and means whatsoever for said purpose.

SECTION 24. That every person not belonging to the police force or the military force hereafter mentioned, who may be summoned, and aid and assist the said marshal in the suppression of any riot as aforesaid, in pursuance of the provisions of this act, shall be paid by the commissioners of said county of Philadelphia, the sum of one dollar for each day or part of a day that he shall be so employed, upon presenting the certificate of said marshal that he was so summoned, and that he did so aid the officer as aforesaid.

Pay of persons assisting marshal.

SECTION 25. That if in any case the said marshal or other officer of police authorized as aforesaid, shall certify in writing to the major general or other commanding officer of the military division composed of said city and county, that there is an existing riot, tumult or unlawful assemblage within said police district or said county, which the said police force under his command is not in his opinion competent to suppress without further aid, and shall require the said major general or commanding officer to assist him with the military force under his command, and the said major general or commanding officer shall give the necessary orders to the effect, that such military force or such part thereof as he shall deem necessary, shall be mustered immediately into the service of the commonwealth, and be subject to the laws applicable to such service, and shall proceed to any part of said city or county to restore the public peace, by suppressing such riot, tumult or unlawful assemblage, and by seizing and securing the offenders therein for trial and punishment according to law; and it shall be lawful for said military force to proceed in suppression of such riot, tumult or unlawful assemblage, as aforesaid, by such military force, and in like manner as in case of war or public insurrection, and the said military force shall continue and remain in service, and upon duty under military command and subordination until the said marshal shall certify in writing to the said major general or commanding officer, that said riot, tumult or unlawful assemblage is entirely suppressed; and the military body so called into service, shall be entitled to be paid while on actual duty as follows, to wit: two dollars a day to the privates, non-commissioned officers and musicians, and four dollars a day to the commissioned officers, and two dollars a day for each horse employed, which sum shall include all expenses of subsistence; the amount thereof, together with the expense of their ammunition and artillery used on such duty, shall be paid out of the treasury of said county; but such military body shall not be required to march to the place of any such riot, tumult or unlawful assemblage, until after the said marshal or other person authorized by this act to make proclamation as aforesaid, in an audible voice, and as near to the rioters or persons unlawfully assembled as he can safely and with convenience go, shall have commanded such rioters or persons unlawfully assembled, and all other persons not being then and there on duty as police or a part of his posse, civil or military, to return to their lawful homes and business.

When major general may be called to assistance.

SECTION 26. That after proclamation made or attempted to be made as aforesaid, and the continuance of said unlawful, riotous or tumultuous assemblage, notwithstanding the same, the said marshal and police, and

After proclamation made, and continuance of

unlawful assemblages, said marshal, police and other persons held harmless in case of killing, &c.

Requisition of marshal to be held conclusive evidence that the service was necessary.

Nothing in this act to be construed to impair or diminish the authority of the sheriff, &c.

Punishment for neglect of duty.

Repeal.

all and every person or persons so aiding and assisting them, and the said military force, shall be wholly discharged, held harmless and indemnified, as well against the commonwealth as against all and every other person or persons for or concerning the killing, maiming or hurting of any such person or persons so unlawfully, riotously or tumultuously continuing together as aforesaid, that shall happen to be killed, maimed or hurt in carrying out the provisions of this act.

SECTION 27. That the requisition of the marshal made as aforesaid, or other officer of police authorized as aforesaid, upon the commanding officer of any division, brigade, regiment battalion or company, shall be conclusive evidence that the service of the military were necessary for the suppression of such riot, tumult or unlawful assemblage.

SECTION 28. That nothing in this act contained shall be construed in any way to impair, diminish or restrain the duty or authority of any sheriff, coroner, mayor, alderman, justice of the peace, or other officer in this commonwealth, to suppress riots and preserve the public peace; but on the contrary it is hereby expressly declared that the said power and duty, and all others, the powers and duties of the sheriffs, coroners, mayors and aldermen, justices of the peace and other officers, shall continue and remain in as full force as they now are at common law, or by virtue of any act of assembly: *Provided always however*, That the police force and establishment hereby constituted shall be at all times subject to the order and control of said marshal or his officers, and any of them alone.

SECTION 29. The said marshal of police, lieutenants of police, and policemen hereby organized, for any neglect of their duties, or abuse of the powers hereby granted, shall, upon complaint duly made to the judges of the court of quarter sessions for the county of Philadelphia, by any citizen or other person aggrieved, be examined as to the justness of said complaint; and if upon examination said judges, or any one of them, shall be satisfied that there is sufficient cause to bind over, the said party or parties shall thereupon be bound over to take his or their trial for a misdemeanor in office; and upon conviction thereof, shall be punished as misdemeanors are now by law punishable.

SECTION 30. So much of any existing law or laws as is hereby altered or supplied, shall be and the same is hereby repealed; and so much and such parts of existing laws as are not hereby altered or supplied, are continued in full force.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 391.

AN ACT

For the relief of Andrew M'Kim, of Butler county, a soldier under general Arthur Saint Clair.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be and is hereby authorized and required to pay to Andrew M'Kim, (of Butler county, a soldier under general Arthur Saint Clair,) or his order, an annuity of forty dollars to commence on the first of January, one thousand eight hundred and fifty, to be paid semi-annually during his life.*

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 392.

AN ACT

Relative to the erection of dams in Red Bank creek and its tributaries; to incorporate the institution of Protestant Deaconesses of the county of Allegheny; and to erect Youghiogheny school district, in Westmoreland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all persons having heretofore erected, or who shall hereafter erect any dam or dams, or who shall continue the same in Red Bank creek or its navigable tributaries for any purposes whatever, and which dam or dams prevent and obstruct the free descending navigation of said stream and tributaries, shall be guilty of a public nuisance; and that in addition to the remedies provided by the act of twenty-third day of March, Anno Domini, one thousand eight hundred and three, entitled "An Act to authorize any person or persons owning lands adjoining navigable streams of water declared highways, to erect dams upon such streams for mills and other works," any person aggrieved thereby shall have*

Penalty for obstructing the navigation of the Red Bank creek and its tributaries.

the common law remedies for the abatement of the said nuisances; neither shall said act be so construed as to affect the remedies provided by the common law, and that the said dam or dams in said streams shall be kept at all times in good repair for the free passage of a descending navigation: *Provided*, That this act shall not prevent any person or persons from bringing suit or suits at law for any injury they may sustain in consequence of any such dam or dams.

Corporators.

Style.

Privileges.

Proviso.

By-laws.

Proviso.

Object.

Board of managers.

Quorum.

Secretary and treasurer.

Vacancies.

Failure to elect on the day mentioned, not to work a forfeiture of charter.

SECTION 2. That Elizabeth Hupperts, Paulene Ludewig, Elizabeth Hess, Louisa Hinrichsen, Louisa Marthens and their associates, who shall become members of the community, according to the by-laws, together with the Rev. W. A. Passavant, director, and G. Bossler, J. Voglebach and E. Rahm, officers, and their successors, be and they are hereby made and constituted a body corporate and politic in law and in fact, under the name, style and title of "The institution of Protestant Deaconesses;" to have perpetual succession; to use a common seal; to plead and be impleaded in all courts of record and elsewhere; to purchase, acquire, receive, hold and enjoy real, personal and mixed estate of any kind whatsoever, and sell, convey, lease and encumber the same, for the use, objects and benefit of the association: *Provided*, That the annual income of real estate owned by the corporation, exclusive of the houses occupied by the community, and ground thereto attached, shall not exceed the yearly revenue of five thousand dollars; they shall have power also to make such regulations and by-laws for their government, the admission of additional members into the society, their election duties, and time of service, as they may deem necessary and advisable: *Provided*, That said by-laws and regulations be not inconsistent with the constitution of the United States or of this state: *And provided also*, That no person shall be or remain a member of the corporation, except members of the community in good and regular standing, and such officers as are now, or shall hereafter be elected in the manner hereinafter provided.

SECTION 3. That the objects of this institution shall be the relief of the sick and insane, the care of orphans, the education of youth, and the exercise of mercy to the unfortunate and destitute; and the property of said institution occupied for these purposes, and the income used in their support, shall be exempted from taxation; nor shall the grounds of said institution be subject or liable to have any public road, street, lane or alley laid out or opened through them, as long as the same shall be used and employed for the purposes aforesaid.

SECTION 4. The government and management of the institution shall be under the direction of a board consisting of a director, who is chairman, a vice director, a directing sister, a secretary and treasurer, two of whom, with the director, and in case of his absence, the vice director and the directing sister, shall constitute a quorum for the transaction of business; of these, the director, vice director and directing sister shall be chosen, by ballot, jointly by the board and the other members of the aforementioned institution of Protestant Deaconesses, a notice having been given of such election at least two months before, to the board and all the members of the aforementioned institution, wherever they may be laboring; the secretary and treasurer shall be annually chosen by the board alone, at the regular annual meeting, on the first Monday of January in each year; and in case of any vacancy in the board, by death, resignation, removal or otherwise, the remainder of the board shall have power to fill such vacancy, by the election of another person, until the next annual election, or until an election can be held: *Provided*, That a failure to elect on the days and time mentioned shall not work a forfeiture of the charter; they shall have power to establish, control,

govern and manage any hospital, infirmary, asylum or other institution necessary and proper for carrying out and fulfilling the general objects and purposes of the association as herein declared and set forth; also, to contract for and erect all necessary buildings, provide all the accommodations, arrangements and conveniences requisite for the reception and proper care of the patients and inmates; they shall prescribe the kind and character of the patients and inmates, and the terms and conditions upon which they may be admitted, discharged and removed; and make such regulations for their government, and that of the officers and other persons employed in and about the institutions under their care, as they may deem necessary and proper from time to time.

SECTION 5. That as the persons composing the aforementioned society are members of the Evangelical Lutheran church, and desire to remain unincumbered in the free exercise of their religious faith and worship, it is hereby provided that no one shall be elected director or vice director of the institution who is not a clergyman in good and regular standing in some one of the synods of said church in the United States.

Director or vice-director to be a clergyman of the Lutheran church.

SECTION 6. That no misnomer of the said corporation shall defeat or annul any gift, grant, conveyance, assurance, devise or bequest to the said corporation: *Provided*, That the intent of the party or parties shall sufficiently appear upon the face thereof, whereby any estate or interest was intended to pass to said corporation, or to any infirmary, hospital, asylum, or other institution under the management and control of the corporation hereby created.

Misnomer not to defeat gifts, grants, &c. *Proviso.*

SECTION 7. *And whereas*, The Rev. W. A. Passavant above named, by the aid of sundry charitable persons, has established a hospital, known as the Pittsburg infirmary, in the city of Pittsburg, Pennsylvania, in order that the suffering and sick might be cared for and relieved in a becoming and christian manner, without distinction of color, creed or country, and has placed the same under the immediate supervision and control of the aforesaid institution of Protestant Deaconesses; the said W. A. Passavant is hereby authorized and empowered to assign, convey and transfer to the corporation hereby created, all property, real, personal and mixed, held by him in trust for the purposes of the said infirmary, subject to the same trusts and considerations upon which he holds the same; and that any other person or persons now holding, or who may hereafter hold any goods, chattels or property, real, personal or mixed, in trust or for the use of said association, or of any infirmary, hospital, asylum, or other institution connected therewith, are hereby authorized to convey, transfer, grant and make over the same to the corporation hereby created, subject to the trusts and conditions under which the same is or may be held by such person or persons.

Rev. W. A. Passavant authorized to convey certain property to the corporation hereby created.

SECTION 8. That Thomas M. Hane, William Holmes, George Weyman, James Park, Henry Graff, Allen Kramer, Robert Beer, George Black, Christopher Zug, William Larimer, Jr., John H. Shoenberger, James K. Moorhead and George W. Jackson, and their successors, appointed as hereinafter provided, shall constitute a "*board of visitors*," who shall meet annually on the second Monday in January, to examine and report for publication, the condition and management of the Pittsburg infirmary aforesaid; for which purpose they shall have free access to all the buildings and apartments belonging thereto, and the inspection of all books, papers and accounts relating to the management thereof; and it shall be their special duty to investigate, and in their report set forth any discrimination which may at time hereafter be made in favor of one creed, color or country over another, in the granting of permits or the care of the sick, to the end that any such abuse may be speedily corrected; all vacancies in said board of visitors shall be filled by the

Board of visitors.

Annual meeting.

Duties.

votes of a majority of the patrons of the infirmary hereinafter mentioned, at a meeting convened for the purpose, on the call of the surviving members of the board, or in default of such election, by the court of common pleas of Allegheny county, on the petition of any three of said board.

Patrons for life.
Rights.

SECTION 9. That any contributor who has already, or shall hereafter subscribe the sum of one thousand dollars at a single benefaction, or who has already subscribed a less sum, and shall increase the same to one thousand dollars, or who shall hereafter subscribe a less sum, and subsequently increase the same to one thousand dollars, on payment of the same into the treasury, shall be entitled to become a patron for life, and shall have the right to nominate and send in one patient to the infirmary: *Provided*, That the person so nominated shall be of the condition, and fall within and comply with the rules that may be established for the government of the institution; and the same privileges and rights shall be conferred on any person or corporation who shall subscribe and secure the payment of one hundred dollars per annum for the period of fifteen years; and the same privileges and rights shall be conferred on any church or religious society who shall take an annual collection for the benefit of the infirmary, amounting to the sum of seventy-five dollars per annum.

Reservation.

SECTION 10. That the legislature hereby reserves the right to repeal this act, if the said corporation shall at any time misuse or abuse the privileges hereby granted.

Boundaries.

Youghiogheny
school district
erected.

SECTION 11. That after the passage of this act, all that part of Sewickly township, Westmoreland county, beginning at lock, No. two, on the Youghiogheny river, including the farm of William S. Colwell and Prestly Wilson, Geo. Gilbert, Wm. Pearce, Asa Lash, to the Little Sewickly creek, and down said creek to the Youghiogheny river, thence down said river to the place of beginning, shall be erected into a separate school district, to be called the Youghiogheny school district, with all the privileges of any other school district in this commonwealth; and that David Fritchman, John Sterner, Benjamin Guffey, John M. Martin, Wm. S. Colwell, Robert Campbell, shall be the school directors of said district, to serve from the passage of this act until the second Tuesday in April, one thousand eight hundred and fifty-one, at which time the school directors shall be chosen at the school house in said district, between the hours of twelve o'clock, M., and six o'clock, P. M., and every successive year hereafter; and that said school directors shall be vested with the same powers and privileges of school directors in said county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 393.

AN ACT

To view and lay out a state road from the borough of Millerstown, in the county of Perry, to Mifflinburg, in Union county; relative to the Pittsburg and Washington turnpike road; authorizing the paving of certain portions of Broad street; to grant a tavern license in Perry county; to the Towanda bridge company; to legalize a certain election in Perry county; to a state road in Cumberland county; and to Turner's lane, in the district of Penn.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William J. Jones, of Perry county, and S. O. Evans, of Juniata county, and Henry Hilbish, of Union county, be and the same are hereby appointed commissioners to view and lay out and mark a state road, beginning at the Centre square in Millerstown, Perry county, and extending by the easiest and most practicable route, having reference to distance, surface of the country and cost of construction, to a point at Mifflinburg, Union county.

Commissioners to lay out a state road.

Location.

SECTION 2. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, at an elevation of not more than five degrees from a horizontal line; and that they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of two dollars per day for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor at two dollars per diem, two chain-bearers and one axeman, at a sum not exceeding for each one dollar per diem.

Duties of said commissioners.

SECTION 3. The said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of June next, and one copy in the office of the clerks of the court of quarter sessions of the respective counties through which the said road may pass on the time aforesaid, or as much sooner as practicable; and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads laid out by the courts are made and repaired.

Make out drafts.

SECTION 4. And the commissioners shall draw on the commissioners of the counties through which the said road shall pass, who shall adjust the account of the commissioners, surveyor, chain-bearers and axeman, and pay them as other accounts by orders on the treasurer of the county are paid.

Accounts, how adjusted.

SECTION 5. And said commissioners shall meet on or before the first Monday of May next, in the borough of Millerstown, Perry county, or

Meeting of commissioners.

Vacancies, how supplied.

as soon thereafter as a majority of them shall agree on, and complete the location of said road as soon as practicable; and if any vacancy shall occur by resignation or otherwise, it shall be filled by the judges of the court of quarter sessions of the county in which said person or persons so resigning shall have resided.

Duties of the supervisors of the several townships through which the road passes.

SECTION 6. And it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and make and open the said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less fifty dollars, to be collected as other fines are collected; and the said fine shall be appropriated for the use of said road; and the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township in which said person so refusing may reside; and that said commissioners shall have power to vacate any road or part thereof as may be rendered useless by this act, or shall have power to locate any part of the road between the points mentioned by this act.

Washington and Pittsburg turnpike road company authorized to construct a plank or M'Adamized road.

SECTION 7. That the president and managers of the Washington and Pittsburg turnpike road company be and they are hereby authorized and empowered to construct a plank or M'Adamized road on the bed of their present road, or on such parts of their present location as they may consider expedient, between Washington and the city of Pittsburg: it is hereby further provided the present managers of said road shall constitute a board of commissioners to open books and receive subscriptions additional to the stock originally authorized to be subscribed for, and under such conditions as the aforesaid managers may deem expedient, in the manner provided for in their original act of incorporation: *Provided*, That said new subscriptions shall not amount to a sum beyond twenty thousand dollars.

Broad street in Penn district to be paved.

SECTION 8. That the commissioners of Penn district be authorized to pitch and pave Broad street from the line dividing said district from the district of Spring Garden, to the intersection of Broad street with Girard avenue, including said intersection; and they are hereby authorized to enter liens against the property for the expense of paving, in the same manner as is now authorized by law in other cases.

Toboyne township and New Germantown, Perry county, relative to tavern licenses in.

SECTION 9. That it shall and may be lawful for the citizens of Toboyne township and borough of New Germantown, in the county of Perry, hereafter to apply to the court of quarter sessions of the said county for tavern license in the said borough of New Germantown.

Court of quarter sessions of Perry county authorized to grant a tavern license to Mrs. Emily Gray.

SECTION 10. That the court of quarter sessions of Perry county is hereby authorized and empowered to grant a tavern license to Mrs. Emily Gray, at the next sessions of said court after the passage of this act, on any application of the citizens of Toboyne township and borough of New Germantown, in said county; and so much of any law as requires all the signers of petitions for tavern license in the borough of New Germantown, to reside in said borough, be and the same is hereby repealed.

Fines and penalties imposed by the by-laws of the Towanda bridge company, may be recovered, &c.

SECTION 11. That the fines and penalties imposed by the by-laws of the Towanda bridge company, by virtue of the act of fourteenth March, A. D., one thousand eight hundred and thirty-one, entitled "An Act to authorize the governor to incorporate a company for erecting a bridge over the river Susquehanna, at the borough of Towanda, the seat of justice in the county of Bradford, may be recovered in any suit as debts of like amount are by law recoverable.

SECTION 12. That the election held on the fifth Friday of March, one thousand eight hundred and fifty, in the borough of Petersburg, in the county of Perry, for the election of judge and inspectors of elections, be and the same is hereby legalized.

Certain election held in Petersburg, Perry county, legalized.

SECTION 13. That the first section of an act, entitled "An Act authorizing the laying out of a certain state road, and for other purposes," approved the twenty-second day of April, one thousand eight hundred and forty-four, be and the same is hereby repealed, so far as the same applies to Cumberland county.

First section of certain act relative to state road in Cumberland county, repealed.

SECTION 14. That Turner's lane, in the district of Penn. in the county of Philadelphia, commencing at the Ridge turnpike road, and running south-westerly so far as the same extends, be and the same is hereby vacated, and the title to the soil over which the same passes, be and the same is hereby vested in fee simple in the several owners of grounds adjoining and fronting on the said lane respectively, each owner to have and to take one-half part thereof so far as his respective lot adjoins and fronts upon the said land: *Provided*, That before closing the said lane there shall be first opened and dedicated to public use without expense to the county of Philadelphia, Jefferson street from the Ridge road aforesaid, westwardly to Twenty-eighth street, and Twenty-seventh street north-westerly from said Turner's lane to Jefferson street.

Turner's lane in Penn district, Philadelphia county, vacated.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 394.

AN ACT

In relation to the boundary lines between the counties of Erie and Crawford, and the counties of Bedford and Blair, and Bedford and Cambria; to incorporate the Shermansville plank road company; relative to a justice of the peace; and erecting Steuben township, in Crawford county; in relation to the Cumberland road; to the city of Pittsburg; and to building associations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the commissioners of the county of Erie be and they hereby are authorized and empowered to appoint one commissioner, and the commissioners of Crawford county are authorized and empowered to appoint one commissioner, and the two commissioners thus appointed shall name a third commissioner, which three persons so named shall con-

Commissioners to run boundary line between Erie and Crawford counties.

stitute a commission, who are hereby authorized and empowered, by themselves and engineers to be by them appointed, to run out and mark on the ground the boundary line between the counties of Erie and Crawford, and at convenient distances on said line to set up permanent land-marks: *Provided*, The expenses of said commission shall be paid equally out of the county treasuries of Erie and Crawford.

Proviso.

Commissioners to run boundary line between Bedford and Cambria counties.

Expenses, how paid.

Drafts to be made and filed.

SECTION 2. That Samuel Carn, of Bedford county, Patrick M'Coy and Edwin A. Vickroy, of Cambria county, be and they are hereby appointed commissioners to run and mark upon the ground the line between the counties of Bedford and Cambria; said commissioners shall have power to employ a surveyor and two chain-carriers, if necessary; they shall receive one dollar and fifty cents per day each, for every day they may be necessarily engaged; and the expenses incurred shall be paid by the two counties equally; the commissioners aforesaid shall make out two complete drafts of the line which they may thus establish, and file one copy thereof in the office of the clerk of the court of quarter sessions of each of said counties.

Commissioners to run boundary line between Bedford and Blair counties.

Expenses, how paid.

Drafts to be made and filed.

SECTION 3. That Samuel Carn, of Bedford county, John Bennet and Adam Moses, of Blair county, be and they are hereby appointed commissioners to run and mark upon the ground the line between the counties of Bedford and Blair, beginning on the top of Dunning's mountain, where the Greenfield and North Woodbury township lines meet; thence along the line between Greenfield township, Blair county, and Union township, Bedford county, to the top of the Allegheny mountain, where said line connects with the Cambria county line; said commissioners shall have power to employ a surveyor and two chain-carriers, if they find it necessary, and shall receive one dollar and fifty cents per day for each day that they may necessarily spend in the performance of their duties; and the expenses incurred shall be equally paid by the counties of Bedford and Blair; the commissioners aforesaid shall make out two complete drafts of the line which they may thus establish, and file one copy thereof in the office of the clerk of the court of quarter sessions of each of said counties.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

Commencement and completion of road.

SECTION 4. That Samuel Armstrong, Moses Allen, Russel Marshal, K. M'Arthur, James Espy, John Gaw, Scowden Barickman, Jacob Trace, Hugh Wilson, Daniel Marshal, Anson Sherman, Jesse Gilliland, Smith Line, Samuel Glenn, S. Bennet, R. F. Free, Aaron Harriott, Joseph Robinson, John Gelvin, Samuel Campbell, John Peters and Moses Bishop, or any five of them, be and are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "Shermansville and Andover plank road company," to locate and construct a plank road from Shermansville, Crawford county, to the Ohio state line, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and a supplement thereto, approved the seventh day of April, one thousand eight hundred and forty-nine, so far as they are not inconsistent with this and the following sections.

SECTION 5. The capital stock of the said company shall consist of four hundred shares, at twenty-five dollars per share: *Provided*, The said company may from time to time, at a meeting of the stockholders called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road according to the true intent and meaning of this act.

SECTION 6. The said company may commence the construction of their road at any intermediate point: *Provided*, Such commencement

shall be made within five years after the passage of this act; and should the said company fail to complete their road within ten years after the same shall have been commenced, then this act shall be null and void, except so far as shall become necessary to settle the affairs of the company.

SECTION 7. That the official acts of William Porter, Esqr., a justice of the peace of Fairfield township, Crawford county, shall not be invalid by reason of said justice residing out of the proper township; and that all acts of said justice be and are hereby confirmed, and shall be as good and legal for all purposes as if said justice had resided in the proper township; and that hereafter the present residence of said justice of the peace shall not be confined to said Fairfield township: *Provided*, That nothing herein contained shall be construed to authorize the said justice to keep his office out of the township of Fairfield, for which he may have been or shall be commissioned.

Validating acts of Wm. Porter, justice of the peace.

SECTION 8. That that part of the townships of Troy, Athens and Rome, in the county of Crawford, included within the following boundaries, to wit: beginning at the north-west corner of tract number one thousand three hundred and sixty-six, now in Athens township; thence south to the south west corner of tract number one thousand three hundred and seventy-two, now in Troy township; thence east to the south-east corner of tract number one hundred and thirty-four in Troy township; thence in an east direction across the gore of the south line of tract number seven in Troy township; thence east to the east line of said tract number seven; thence north to the north-east corner of tract number four, now in Rome township; thence west to the north-west corner of said tract number four; thence north on the east line of the gore to the south-east corner of John Carlin's land; thence west on the said Carlin's south line to the west line of the gore; thence north by the line of the gore to the north-east corner of tract number one hundred and thirty-seven, now in Athens township; thence west by the north line of said tract to the north-west corner of said tract number one hundred and thirty-seven; thence south by the west line of said tract to the south-west corner of the same; thence west by the line of tracts to the place of beginning, shall hereafter form a new township, to be called Steuben, for all township and election purposes; and the place of holding township and general elections shall be at Hannah's school house.

Erecting new township to be called Steuben, in Crawford county.

SECTION 9. That the first election for township officers in the new township of Steuben, Crawford county, shall be held on the first Friday of May next; and that James Tryon and John Waid are hereby appointed inspectors, and James N. Wade, judge, with power and it shall be their duty to swear one another, and two clerks which shall be selected by them, or a majority of them, for to hold said township election in accordance with the election laws of this commonwealth; and the township elections thereafter shall be held on the third Friday of March in each and every year.

Time of holding elections.

Officers of first election.

SECTION 10. That on the application of twenty or more of the citizens of Steuben township, to the courts of quarter session of Crawford county, it shall be the duty of said court to appoint three citizens, one of which shall be a surveyor, who shall proceed to run and mark out the boundary lines of Steuben township, in Crawford county, and file a draft of the same in the prothonotary's office in said Crawford county; and the expenses of the same shall be paid by the treasurer of Steuben township.

Court of quarter sessions to appoint three citizens to run and mark the line.

Officer of Cumberland road to make rules relative to tolls on same.	SECTION 11. That it shall be the duty of the officer or officers now and hereafter having the care and management of the Cumberland road as is within this state, by such rules and ordinances as he or they shall from time to time make and publish, with the approval of the courts of quarter sessions of the counties of Somerset, Washington and Fayette, to prescribe and determine what travel and transportation upon said road shall be in whole or in part exempt from tolls, which rules or ordinances shall be filed in the offices of the clerks of said courts, and with the rates of tolls be conspicuously posted up at the toll gates.
Rate of tolls on said road.	SECTION 12. That it shall be lawful for the officer or officers now or hereafter having the care and management of the said road, or for any agent or deputy by him or them appointed for said purpose, to demand and receive from the owner, possessor or driver of any wagon, cart, coach, hack, buggy, or other carriage of burden or pleasure, or for stock of any kind led or driven upon said road, the same toll per mile as is or may be established by law for the same, although such wagon, cart, coach, hack, buggy, or other carriage of burden or pleasure, or stock of any kind led or driven, do not pass through any toll gate upon said road; and if such toll be not paid within a reasonable time after demand, or payment thereof be refused, the same for any single passage or any number of passages, may be collected by action in the name of the proper officer or officers as aforesaid, as debts of like amount are by law collectable; and the tolls so collected or received shall be accounted for and applied to the repairs of said road, as are tolls otherwise collected and received, after deducting therefrom a reasonable compensation for their collection, not to exceed ten per cent. thereof: <i>Provided</i> . That nothing in this act shall be construed so as to authorize any tolls to be collected from any person or persons passing from one part of his farm to another part thereof: <i>Provided also</i> , That said officer or officers, or his or their agents or deputies may commute the tolls by this enactment made payable, for a gross sum per annum, or for any less period paid in advance, as may be agreed upon with any person using or passing upon said road.
May be collected by action.	
Tolls, how applied.	
Proviso.	
Officer may change location of toll gates.	SECTION 13. That it shall be lawful for the officer or officers now or hereafter having the care and management of said road, to change the location of any or all of the toll gates and toll houses upon said road in this state, and to diminish or increase the number of toll gates, and to sell and convey or lease the houses and lands on said road which by such changes shall cease to be used; and to purchase, in fee simple, or for a term of years, for use of said road, such other lots of land not exceeding one acre, as shall be necessary for toll gates and toll houses; and so from time to time to change, sell, lease or purchase, as shall be found necessary and expedient: <i>Provided</i> , That the rates of toll shall remain as heretofore, according to the distance traveled: <i>Provided however</i> . That it may be lawful for the officer or officers having charge of said road, to raise the tolls on narrow and broad tired wagons, not exceeding thirty per cent. the present established rates.
May sell or lease gate houses which cease to be used.	
Proviso.	
Repeal.	SECTION 14. That so much of any law as is hereby altered or supplied, be and the same is hereby repealed.
Time extended within which the councils of city of Pittsburg to do certain acts,	SECTION 15. That the periods limited of thirty days in the first section, and sixty days in the third section of the act, entitled "An Act to limit the indebtedness and to provide for the gradual extinguishment of the debt of the city of Pittsburg, and for the improvement of the streets, lanes and alleys of said city," within which the councils of said city are required to do certain acts, be and the same are hereby extended respectively to a period of ninety days from and after the passage of this act.

SECTION 16. That the sixth section of an act passed April twenty-second, one thousand eight hundred and fifty, entitled "A supplement to an act, entitled 'An Act to prevent waste in certain cases within this commonwealth,' passed the twenty-ninth day of March, one thousand eight hundred and twenty-two, to land and building associations," et cetera, shall be so construed as to authorize the court of common pleas to grant charters to any of said associations which existed prior to the passage of this act, although they may have had a greater number of shares subscribed than is authorized by the said sixth section.

Extending powers of court of common pleas, to grant charters in certain cases.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 395.

AN ACT

To incorporate the Tioga and Jackson plank road company; and relative to obstructions in certain rivers, creeks and other tributaries in the counties of Tioga, Potter and Lycoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That A. C. Bush, Levi Bigelow, C. H. Place, Seth Doggett, Thomas Mitchell, Joseph Aikin, Elisha T. Bentley, Richard Mitchell, Solomon J. Insko, John W. Stowell, Stephen L. Parmenter, James Miller, Samuel Miller, junior, or any five of them, be and the same are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Tioga and Jackson Style, plank road company," to locate and construct a plank road from Tioga to the state line near Shepherd's Corner, on the bed of the present public road or otherwise, as the company may direct, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, as far as the same are not inconsistent with this and the following sections.

Commissioners.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of one thousand shares of twenty-five dollars per share: *Provided,* That said company may from time to time, at a meeting called for that purpose, increase their capital stock to such amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.

Capital stock.

Commencement
and completion
of road.

Penalty for de-
positing obstruc-
tions in the
Tioga or Cawen-
esque rivers, or
Crooked or Pine
creeks, &c.

SECTION 3. That said road shall be commenced within three years and completed within four years thereafter, or this act shall be null and void, except so far as it may be necessary for the purpose of closing up the affairs of said company, and paying the debt of the same.

SECTION 4. That from and after the passage of this act, it shall not be lawful for any person or persons to deposit any slab or slabs, stump or stumps, or any other obstructions in the Tioga or Cawenesque rivers, or Crooked creek, or Pine creek, or their tributaries, or in the race of any mill or mills, on said streams, in the counties of Tioga, Potter or Lycoming, which has been or may hereafter be declared by law a public highway; and any person or persons offending against the provisions of this act, shall on conviction thereof before any justice of the peace of the county where said offence shall have been committed, be fined in a sum not less than ten nor more than fifty dollars, at the discretion of said justice, one-half of said fine to go to the person prosecuting the same, and the other half to be paid to the treasurer of the township in which the offence shall have been committed, to be appropriated by the road commissioners or supervisors thereof, in removing obstructions from said streams: *Provided*, That this act shall not be so construed as to prohibit any person or persons from running or floating logs or timber in said streams, to the mills, for the purpose of manufacturing, or from rafting and running timber, spars or lumber in said streams.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 396.

AN ACT

To incorporate the Saint Peter's church of Stouchburg, in the county of Berks, and state of Pennsylvania.

Preamble.

WHEREAS. Jonathan Klopp, Benjamin Eckert, Joel Souser and others, have purchased a lot of ground in Stouchburg, Berks county, and erected thereon an edifice, the *upon* story of which is to be used as a place of religious meetings by members of the German Reformed and Lutheran congregations, and the lower story for the accommodation of the Sunday school in said place; and also to be used for lectures, school exhibitions and school concerts, and have desired to be incorporated under the name, style and title of "Saint Peter's church of Stouchburg;" therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly*

met, and it is hereby enacted by the authority of the same. That the said Jonathan Klopp, Benjamin Eckert and Joel Souser, and their successors, be and are hereby declared and constituted a body politic and corporate in law, under the name, style and title of "Saint Peter's Style church of Stouchsburg."

SECTION 2. That the said corporation by the same name and style shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all the courts of law and elsewhere, and shall be able and capable in law and equity to take, purchase, hold and receive to them and their successors for the use of said corporation, lands, tenements, choses in action, goods and chattels of whatever kind, nature or quality, real, personal or mixed, which now are or shall hereafter become the property of said corporation, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve or dispose of for the use and benefit of the said corporation: *Provided*, That the yearly value or income of the said estate shall not at any time exceed twenty-five hundred dollars.

Privileges.

May hold property.

Proviso.

SECTION 3. All bona fide engagements entered into, and liabilities contracted heretofore by individuals for the proper debts of said church, or for money borrowed for its use and benefits, and by its authority, shall immediately after the enrolling hereof be held and deemed the debts of the body politic and corporate herein created, which shall be liable therefor in its corporate property and capacity; and all moneys now due and owing to the said church as a church, shall be taken and deemed to be moneys due and owing to the said corporation.

Said church made liable for bona fide liabilities heretofore contracted.

SECTION 4. The business of the said corporation shall be conducted by four trustees, three of whom shall be a quorum, who shall choose from among their number a president, and may appoint a secretary and treasurer from among the members of said church qualified to vote according to the sixth section of this act: the secretary shall keep true and correct minutes of the proceedings of the trustees, and the treasurer shall receive, disburse and account for all moneys coming into his hands belonging to the said corporation, and shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and shall have his accounts annually settled by the trustees, to be laid before and approved by the corporation at the annual election.

Business of corporation conducted by trustees.

SECTION 5. The following named persons shall be trustees until others are or shall be elected as hereinafter provided, namely: Jonathan Klopp, Benjamin Eckert, Joel Souser and Oliver M'Connel, who shall continue in office until the last Saturday in December, in the year of our Lord, one thousand eight hundred and fifty, on which day, and annually thereafter on the same day, the male members of the corporation who are attached to the German Reformed congregation in the neighborhood, and who are qualified to vote by the sixth section of this act, shall elect two persons, one of whom shall serve as trustee for two years, and the other for one year, the term of service to be designated by the electors on their ballots; and their places respectively shall be filled at the annual election; and on the same day and place the members of the said corporation who are attached to the Lutheran congregations, and who are qualified to vote according to the sixth section of this act, shall elect two trustees, one of whom shall serve as trustee for two years, and the other for one year, the term of service to be designated by the electors on their ballots; and their places respectively shall be filled at the annual election: *And provided*, That no person shall be eligible as a trustee unless he is a citizen of this commonwealth, and a member of regular standing in the German, Reformed or Lutheran

Trustees.

Trustees hereafter to be elected

Proviso.

churches: *And provided further.* That in case of vacancy by death or otherwise on the part of the trustees elected by either the German Reformed or Lutherans, the surviving trustees shall have power to supply it for the unexpired time from among the members of the corporation duly qualified.

Who may vote
at elections.

SECTION 6. Any member of this corporation who shall have paid an annual contribution of at least twenty five cents towards the discharge of the yearly expenses of the church, shall be entitled to vote at the elections of said church; of which elections at least two weeks' notice shall be given by announcement from the pulpit, or some other public manner: *Provided,* That every contributing member who is not attached to either the German Reformed or Lutheran congregations in the neighborhood, shall nevertheless be entitled to vote at the said elections.

Proviso.

Purposes of edi-
fice.

SECTION 7. The said edifice shall be used solely for the purposes specified in the first section of this act; and the members of this corporation are forever prohibited from organizing or establishing a distinct and separate congregation: *Provided,* That in case of the application of a German Reformed minister to preach in said edifice, he shall, before permission be accorded, obtain the consent of the two trustees elected on the part of the German Reformed members of the corporation, and in case of a similar application by a minister of the Lutheran persuasion, he shall, before permission be accorded, obtain the consent of the two trustees elected on the part of the Lutherans: *And provided further,* That when application is made by a German Reformed or Lutheran minister to preach in said church, and the trustees elected by either of those denominations cannot agree upon the propriety of granting permission, the matter shall, in that case, be determined a majority of the four trustees; and in case of the application of ministers of other denominations for the same privilege, the consent of a majority of the four trustees shall likewise be obtained before permission be given.

Proviso.

Meetings.

SECTION 8. The president of the corporation may call meetings of its members at any time at the request of one member of the board of trustees, or at the instance of at least six members of the corporation.

Neglect to hold
election not to
dissolve corpora-
tion.

SECTION 9. If the corporation neglect on the day of the annual election to hold their election as is herein directed, the said corporation shall not be dissolved, but the trustees may appoint any subsequent time at which the election may be held.

By-laws.

SECTION 10. The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances for their own government, and for the regulation and transaction of the business of the corporation, as shall be sanctioned by a majority of the members of the corporation qualified to vote, who may be present at a meeting to be held for that purpose: *Provided,* Such by-laws and ordinances shall not be contrary to this charter, or inconsistent with the constitution of the United States and the laws of this commonwealth.

Misnomer not to
defeat any devise,
&c.

SECTION 11. No misnomer of said corporation shall defeat any intended gift, grant, conveyance, devise or bequest thereto, if the intent shall sufficiently appear therein.

Reservation.

SECTION 12. The legislature hereby reserves the right to alter, amend, or annul the charter hereby granted, in their opinion the same may be necessary.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 397.

AN ACT

Conferring on the commissioners of Dauphin county the rights and privileges reserved by this commonwealth to extinguish the tolls on the bridge erected over the Swatara creek, by the Lancaster, Elizabethtown and Mid-Petown turnpike road company; relating to Sharon iron company, Mercer county; and the claim of William Edge, of Chester county; to incorporate the Honesdale and Delaware plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the rights and privileges reserved to this commonwealth or the legislature, in the twenty-fifth section of the act of assembly of the fifth day of March, one thousand eight hundred and four, entitled "An Act to enable the governor of this commonwealth to incorporate a company for making an artificial road from Lancaster, through Elizabethtown, to Middletown," and by the fourth section of the supplement to said act, passed the fourth day of April, one thousand eight hundred and seven, so far as the same relates to the appointment of viewers, the extinguishment of the right to take tolls on said bridge built by said company, agreeably to said supplement, over the Swatara creek, near the borough of Middletown, be and the same are hereby transferred to, and vested in the commissioners of the county of Dauphin, for the use of the county of Dauphin; and whenever the persons, or any six or more of them, appointed agreeably to the provisions of the said sections, shall have examined and estimated the value of the property which the said company hath in said bridge, and certified the amount thereof to the said commissioners, they shall, if they approve of the same, draw their warrant on the treasurer of the county of Dauphin, for the amount thereof; and whenever the amount so certified shall be paid to the said company, their right to take toll on the said bridge, together with all their right, title, claim and interest in the said bridge, shall cease and determine, and be vested in the county of Dauphin, and be entered on record as a county bridge.

Commissioners of Dauphin county authorized to extinguish tolls on the bridge over Swatara creek.

SECTION 2. That all the stockholders and members of the company formed at Sharon, in Mercer county, under the provisions of the act, entitled "An Act to encourage manufacturing operations in this commonwealth," and styled "The Sharon iron company," shall, at all elections and meetings of business held under their articles of association, vote without regard to the number of shares of stock they hold, each stockholder having one vote, and no stockholder having more than one vote by reason of his owning more than one share of stock in said company.

Who may vote at elections, &c., of Swatara iron company.

SECTION 3. That the canal commissioners are hereby authorized and required to examine what amount of damages, if any, have been sustained by William Edge, of Chester county, by concussion of cars on the Philadelphia and Columbia railroad, and report the facts to the next legislature.

Canal commissioners to examine claim of Wm. Edge.

SECTION 4. That William R. M'Laury, Amory Prescott, David Abel, Cornelius Coryell, Charles White, C. P. Waller, Peter Smith, W. H. Dimmick, T. H. R. Tracy, E. W. Hamlin and Bulkely Beardslee, or any five of them, be and they are hereby appointed com-

Commissioners.

Style.	missioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Honesdale and Delaware plank road company," with power to construct a plank road commencing at the borough of Honesdale, Wayne county, and extending by the nearest and most practicable route to the New York and Erie railroad,
Location.	subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine.
Subject to provisions of certain act.	SECTION 5. That the capital stock of said company shall consist of twelve hundred shares, of twenty-five dollars each.
Capital stock.	SECTION 6. That if the said company shall not commence the construction of this road within two years, and complete the same within five years, this act shall be null and void, except so far as the same may be necessary to wind up the affairs, and pay the debts of the company.
Commencement and completion of road.	

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 398.

A FURTHER SUPPLEMENT

To an act, entitled "An Act incorporating the Lykens Valley railroad and coal company, in Dauphin county, Pennsylvania," passed on the seventh day of April, in the year one thousand eight hundred and thirty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* that part in section three of said act restricting the officers of this company, to citizens of this commonwealth, be and the same is hereby repealed; and that hereafter any stockholder being a citizen of the United States, shall be eligible to the office of president and director of this company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 399.

AN ACT

To authorize John F. Brindle, Morris Morris and John W. Boyd, trustees, to convey certain real estate; and relative to orphans' courts, and for other purposes.

WHEREAS, William F. Emlen and J. Dickinson Sergeant, trustees of the first part, and Mary Parker Emlen and others, of the second part, did by indenture bearing date the seventeenth day of September, A. D., one thousand eight hundred and forty-seven, and recorded in the office for recording deeds, &c., for the city and county of Philadelphia, at Philadelphia, in deed book, A W M, number eighty seven, page four hundred and eighty-one, &c., grant and convey to John F. Brindle, Morris Morris and John W. Boyd, and their heirs and assigns forever on ground rent, (which said ground rent was released and extinguished by deed endorsed on the above, dated the fourth day of October, A. D., one thousand eight hundred and forty-seven, and recorded with the same,) all that certain lot or piece of ground situate on the north side of Dauphin street, at the distance of fifty feet westward from the west side of Tulip street, in the district of Richmond, and county of Philadelphia, containing and extending in front or breadth on said Dauphin street, seventy-eight feet, and in length or depth extending thence northwardly, keeping the same width at right angles with said Dauphin street, one hundred and fifty-four feet six inches and one-eighth, to a certain street forty feet wide, called Gordon street, and bounded as therein described, together with the free and common use of the said Gordon street, and together with the appurtenances, "in trust to hold the same to be used and occupied for the purpose of erecting thereon a church, wherein service shall be conducted according to the rules, orders and discipline of the Methodist Episcopal church :"

And whereas, A church building has been erected thereon, in which such service is conducted :

And whereas, The said church has been incorporated and denominated the Summerfield Methodist Episcopal church, in the county of Philadelphia ; and the constitution thereof properly sanctioned has been enrolled in the secretary's office of the commonwealth of Pennsylvania, at Harrisburg, in charter book, vol. No. seven, pages three hundred and ninety six, three hundred and ninety-seven, three hundred ninety eight, three hundred and ninety-nine and four hundred :

And whereas, The said trustees, John F. Brindle, Morris Morris and John W. Boyd are desirous of conveying the said lot of ground above described, and the buildings thereon erected, with the appurtenances, to the said church so incorporated, according to the intention and understanding at the time of the said conveyance to them of the said lot :

And whereas, Doubts exist as to the power and authority of the said trustees under said deed, to convey the said lot with its appurtenances to the said Summerfield Methodist Episcopal church, in the county of Philadelphia ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

J. F. Brindle, Morris Morris and John W. Boyd, authorized to convey real estate to Summerfield Methodist Episcopal church of Philadelphia county.

the said John F. Brindle, Morris Morris and John W. Boyd, and the survivors and survivor of them, be and they are hereby authorized and empowered to grant, assign and convey to the Summerfield Methodist Episcopal church, in the county of Philadelphia, its successors and assigns, the lot or piece of ground above described, together with the buildings and improvements thereon erected, with the appurtenances, to have and to hold the same to the only proper use and behoof of the said Summerfield Methodist Episcopal church, in the county of Philadelphia, its successors and assigns, free, clear and discharged of and from all and every the said trust and trusts; and the said John F. Brindle, Morris Morris and John W. Boyd, and the survivors and survivor of them, are hereby authorized and empowered to make, execute and deliver sufficient deed or deeds, conveyances or assurances therefor, to the said Summerfield Methodist Episcopal church, in the county of Philadelphia, its successors and assigns.

Said church authorized to take and hold the same.

SECTION 2. That the said Summerfield Methodist Episcopal church, in the county of Philadelphia, its successors and assigns, are hereby authorized and empowered to take, hold and enjoy the said lot or piece of ground above described, with the appurtenances, freed, clear and discharged of and from all the said trust or trusts, or limitations whatsoever.

Preamble.

And whereas, The said Summerfield Methodist Episcopal church, in the county of Philadelphia, in consideration of the sum of twelve hundred dollars heretofore paid by James L. Houston to the said corporation, to enable it to erect and complete the church building, has heretofore conveyed or agreed to convey to the said James L. Houston, his heirs and assigns, a certain part or parts of the lot or piece of ground upon Dauphin street, above described, of which the said James L. Houston now has tenure or possession.

Trustees of said church authorized to convey parts of said real estate.

SECTION 3. That the present trustees of the said Summerfield Methodist Episcopal church, in the county of Philadelphia, and their successors, be and they are hereby authorized and empowered to grant and convey to the said James L. Houston, his heirs and assigns, free, clear and discharged of and from all uses, trusts and limitations whatsoever, whatever parts or portions of the said above described lot are now in his tenure or possession, or to which he has claim or title under agreement to convey or otherwise, to have and to hold the same to the only proper use and behoof of the said James L. Houston, his heirs and assigns forever, and to make, and execute, and deliver sufficient deed or deeds, conveyances or assurances therefor, to the said James L. Houston, his heirs and assigns.

Time extended for commencement of Northampton and Luzerne coal company.

Said company may issue bonds.

SECTION 4. That the time for the commencement of the construction of the railroad authorized to be constructed by the Northampton and Luzerne coal company, be and the same is hereby extended for the term of three years from the passage of this act; and said company may issue bonds and sell them at a greater discount than six per cent. per annum, which shall be valid and available in the hands of bona fide holders, and recoverable for the amount thereof, with six per cent. per annum on such amount.

Beach street, Philadelphia, vacated.

SECTION 5. That Beach street, as the same is now laid out in the city of Philadelphia, to the extent and distance of one hundred and six feet south of the south line of High street, be and the same is hereby vacated, and the title to the soil over which the same passes, be and the same is hereby vested in fee simple in the several owners of ground adjoining and fronting upon the said Beach street respectively; each owner to have and take one-half part thereof, so far as his respective lot adjoins and fronts upon said Beach street.

SECTION 6. That the act, entitled "An Act fixing the time of making assessments in Centre county," approved the tenth day of April, one thousand eight hundred and forty-nine, shall not be construed to prohibit the assessors elected in February last, from making the assessments for the present year; and hereafter the assessments of all taxes in the county of Centre shall be made in the month of April of each and every year, by the assessors last previously elected.

Time of making assessments in Centre county.

SECTION 7. That the canal commissioners be and the same are hereby directed to convey to the commissioners of Dauphin county, for the use of the said county, for and in consideration of a sum of money to be fixed upon by the said canal commissioners and said county commissioners, who shall have power to call in a third disinterested party as an umpire in case they cannot agree, the bridge built by this commonwealth over the Swatara creek in said county; the said canal commissioners to have power to enter upon the abutments and piers of said bridge at any time, for the purpose of re-building and repairing the aqueduct of the Pennsylvania canal crossing said creek; and the commissioners of said county are hereby authorized to draw their warrant upon the treasurer of said county, for the full sum that shall be agreed upon by the aforesaid parties, as a consideration for said bridge.

Canal commissioners authorized to convey to commissioners of Dauphin county, the bridge over the Swatara creek.

SECTION 8. That the commissioners of the county of Huntingdon be and they are hereby authorized and empowered to modify and extend their contract for the building of a bridge over the Juniata river at Drake's ferry, and to pay out of the county funds, to the contractors for building said bridge, such sum or sums of money as the said commissioners may agree to pay said contractors, by reason of any additional work necessary to be done to complete said bridge, on account of the injury to said bridge by high winds or water, while the same was in the course of erection.

Commissioners of Huntingdon county to modify and extend contract for building bridge at Drake's ferry.

SECTION 9. That all official business transacted by Amos Holland subsequent to his election as justice of the peace in and for the county of Allegheny, and prior to his commission, be and the same is hereby made valid, to all intents and purposes, as though he had been duly commissioned.

Acts of Amos Holland, justice of the peace in Allegheny county, made valid.

SECTION 10. The commission granted to William W. Pearson, as a justice of the peace for Delaware township, Mercer county, shall be as good and valid to authorize him to act in the township of Jefferson, in said county, as though the same had been issued prior to the organization of said last named township.

Commission of W. W. Pearson, justice of the peace in Mercer county, made valid.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 400.

AN ACT

To annul the marriage contract between Sarah J. Mason and John C. Mason.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into in the city of Philadelphia on the twenty-ninth day of January, Anno Domini, one thousand eight hundred and forty-nine, before the reverend William Sudders, between Sarah J. Lore and John C. Mason, alias Bradley, alias Lanning, be and the same is hereby declared null and void, and the parties discharged from all liabilities and obligations growing out of the same, as fully and absolutely as if they had never been joined in marriage.*

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 401.

AN ACT

To provide for the erection of a house for the employment and support of the poor in the county of Huntingdon; and to regulate the settlement of paupers in the county of Chester; to authorize the Ohio and Pennsylvania railroad company to borrow money; relative to the collection of taxes in the city of Pittsburg; and to the estate of John Hoff, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas Fisher, Kenzie L. Green, Benjamin Leas, James Gillam, John M'Culloch, John Porter, Isaac Taylor, A. P. Wilson, John Watson, Caleb Greenland, S. Miles Green, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini, one thousand eight hundred and fifty-one, to determine upon and purchase such real estate as they shall*

Commissioners.

Duties.

deem necessary for the accommodation of the poor of Huntingdon county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor in the name and for the use of the corporation mentioned in the third section of this act; and they shall certify their proceedings therein under their hands and seals to the clerk of the court of quarter sessions of the county of Huntingdon, to be filed in his office; and at the next general election the qualified electors shall elect three reputable citizens of the said county, to be directors of the poor and of the house of employment for the county of Huntingdon; and the judges of the election of said county shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify, under their hands and seals, the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their election; and the said directors shall meet at the court house in said county on the first Monday in November next ensuing their election, and divide themselves, by lot, into three classes, the place of the first to be vacated at the expiration of the first year; of the second, at the expiration of the second year; of the third, at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third may be chosen annually thereafter.

Purchase real estate.

Election of directors of the poor.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall, within ten days after he is notified of such election or appointment, and before he enters upon the duties of said office, take an oath or affirmation, which any justice of the peace of said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county; which fine shall be recovered by the directors for the time being, as debts are or shall be by law recoverable.

Directors to take oath, &c.

SECTION 3. The said directors shall forever hereafter in name and in fact be one body politic and corporate in law, to all intents and purposes whatever, relative to the poor of the county of Huntingdon; and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of the directors of the poor and of the house of employment of the county of Huntingdon; and by that name shall and may receive, take and hold, any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whatsoever; to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond with full and sufficient security, for the faithful discharge of the duties of his office, and at the expiration thereof for the payment and delivery over to his successor in office, of all moneys, bonds, notes, book accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ, and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants

Incorporate.

Style.

Privileges.

that may be necessary for the said poor respectively; to bind out apprentices so that such apprenticeship may expire, if males, at or before the age of twenty-one, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.

Proviso.

Directors to estimate probable expense of buildings, &c.

County commissioners may increase tax.

Procure loan.

Proviso.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the necessary building or buildings, and furnishing the same, and maintaining the poor within said county for one year; whereupon the county commissioners of the said county shall and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments, with interest, out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Directors to make yearly estimate of expense to commissioners.

Accounts.

Court of quarter sessions to be furnished with a list of the number, age and sex of persons maintained and employed.

SECTION 5. It shall be the duty of the said directors, on or before the first day of November in each and every year, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall at least once in every year render an account of all moneys by them received and expended, to the auditors elected to audit and settle the county accounts, subject to the same penalties and rules and regulations as are by law directed respecting the accounts of the county commissioners; and shall at least once in every year lay before the court of quarter sessions and grand jury of said county, a list of the number, ages and sex of the persons maintained and employed in said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation or calling; and shall at all times when thereto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interest and moneys payable and receivable by the said corporation; and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them: *Provided*, That no director shall sell or dispose of any article or articles to the said poor house during the time he shall serve as director thereof.

Proviso.

Notice to be given to overseers of the poor

SECTION 6. As soon as the said buildings shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers

of the several townships of the said county, requiring them forthwith to bring the poor of their respective townships to said house of employment; which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or any other sufficient cause any poor person cannot be removed; in which case the said overseers shall present the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors, at a reasonable allowance.

of the several townships as soon as buildings are erected, &c.

SECTION 7. The said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Huntingdon, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Huntingdon, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Huntingdon.

Who shall be provided for and employed.

Proviso.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law, or any of the laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas, for the time being, of the county of Huntingdon, and shall have received the approbation of the same.

Quorum.

Ordinances, rules and regulations, &c.

SECTION 9. The said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their legal settlement; and in case such poor persons shall refuse to take the oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors, touching and relating to the said settlements, the said directors may withhold all further relief from such poor person or persons, until he or she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the power hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

Directors may administer oaths.

SECTION 10. A quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints, and redress, or cause to

Meetings.

be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

Directors, pay of. SECTION 11. The said directors shall each of them receive for their services annually the sum of twenty dollars, to defray the expenses of their necessary attendance on the duties of their office.

Vacancy, how filled.

SECTION 12. In case of any vacancy by death, resignation or otherwise of any of the said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

Existing claims and demands to have full force and effect.

SECTION 13. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Huntingdon, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

Office of overseer of the poor, when abolished.

SECTION 14. As soon as the poor of the county of Huntingdon shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

Certain powers conferred on directors.

SECTION 15. The powers conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the several townships within this commonwealth to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed upon the directors of the poor in the said county of Huntingdon; and that the justices of the peace and sheriff within the said county are hereby required and enjoined to pay to the directors, to be by them applied to the maintenance of the poor of the county, the aforesaid fines, forfeitures, penalties within the time and in the manner prescribed by the said act for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said directors within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the justices of the peace and sheriff in the said county shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

Expenses of commissioners to be paid by county commissioners.

SECTION 16. The commissioners of said county are hereby authorized and empowered to pay to the persons appointed commissioners by the first section of this act, the expenses incurred by them in the performance of their duty; and also, to pay the said directors a reasonable compensation for their services during the term they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not, including the annual sum allowed them by this act, exceed fifty dollars for any one year.

Repeal.

SECTION 17. So much of the laws of this commonwealth relating to the poor, as are by this act altered and supplied, be and the same are hereby repealed, so far as they affect the county of Huntingdon.

Sheriff to notify commissioners of the appointment.

SECTION 18. That the sheriff of the said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be as near the centre of the county as possible.

Election as to the expediency of

SECTION 19. For the purpose of ascertaining the sense of the citizens of Huntingdon county, as to the expediency of erecting a poor house in

said county, it shall be the duty of each of the inspectors of the several townships and boroughs at the next general election to receive tickets, either written or printed, from qualified voters thereof, labelled upon the outside "poor house," and in the inside "for a poor house," or "against a poor house;" and if it shall appear, upon casting up the votes of the different districts, at the court house, on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect: but if a majority of said votes are against a poor house, the foregoing act to be null and void.

SECTION 20. That any person hereafter coming to inhabit in the county of Chester, shall acquire a settlement or residence on the same terms, and in the same manner, as a citizen of the said county would have acquired a settlement or residence in the district from which said person may have come, any former law to the contrary notwithstanding.

How settlement may be acquired in Chester county

SECTION 21. That the Ohio and Pennsylvania railroad company, chartered by the joint acts of the legislature of Ohio and Pennsylvania, be and it is hereby authorized to borrow money for the construction of its railroad, at any rate of interest not exceeding that which may be authorized in the state of Ohio.

Ohio and Pennsylvania railroad company authorized to borrow money.

SECTION 22. That the laws now in force for the collection of taxes on unseated lots or lands within the several counties of the commonwealth, be and the same are hereby extended and made applicable to the collection of city taxes on unseated lots or lands within the city of Pittsburg; and upon the sale of any such lots or lands within the limits of said city, it shall be the duty of the commissioners of Allegheny county to pay to the treasurer of said city the amount of city taxes which may be due thereon.

Laws for collection of taxes on unseated lots, extended to cities of Philadelphia and Pittsburg.

SECTION 23. That Frances Henrietta Hoff, executrix, and Philip Hoff, William Duncan, Alexander Towan and Morgan John Rhees, executors of the last will and testament of John Hoff, late of the city of Philadelphia, deceased, or the survivors or survivor of them, be and they are hereby authorized and empowered to sell at public or private sale, and on such terms as to them shall be deemed most advantageous, all and singular the real estate of the said John Hoff, deceased, or of which he died seized or possessed, or any part thereof, situate in the state of Pennsylvania; and upon sales being so made, the said executrix and executors, or the survivors or survivor of them, are hereby authorized to execute and deliver to the purchaser or purchasers of said real estate, deeds conveying all the estate and interest of the said John Hoff, deceased, in and to the same, without any obligation on the part of the purchasers to see to the application of the purchase money, or be in any way responsible for such application: *Provided however,* That before the execution of such deed, the executors shall give security, to be approved of by the orphans' court of the city and county of Philadelphia, for the faithful application of the proceeds of sale; or in default of same, that the proceeds of sale be paid into said court, to be distributed according to law.

Executors of John Hoff authorized to sell real estate.

Provido.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON

No. 402.

AN ACT

For the relief of Martha Taylor, widow of Thomas Taylor, a soldier of the Revolutionary war; to incorporate the Allegheny and Manchester plank road company; and relative to trusts.

MARtha Taylor,
annuity to.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the state treasurer be and he is hereby authorized and required to pay to Martha Taylor, of Armstrong county, widow of Thomas Taylor, a soldier of the Revolutionary war, or to her order, an annuity of forty dollars during her natural life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and fifty.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That Thomas Bakewell, John E. Parke, James Anderson, Hugh Lee, William Bagaly, John T. Logan, James Taylor, John Hay, P. A. May, Hugh Duff, William Leeky, John Cheney, Samuel Church, J. Phillips, W. H. Phelps, Andrew Bayne, Henry Irwine, Harmar Denny, John M'Dowell and H. Dehaven, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the name, style and title of "The Allegheny and Manchester plank road company," with power to construct a plank road from the intersection of Federal and Ohio streets, in the city of Allegheny, extending along Ohio street; thence across the west common in said city to Water lane; thence along Water lane to Beaver street, in the borough of Manchester; thence along said street to the western line of said borough; thence along the Beaver road to Wood's run, with the privilege of extending the same to Beaver Point, in the county of Beaver, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto: *Provided*, That said company shall not in any way interfere or prejudice the location or construction of the Ohio and Pennsylvania railroad.

Capital stock.

SECTION 3. That the capital stock of said company shall consist of six hundred shares of twenty-five dollars each: *Provided*, That said company may from time to time by a vote of the stockholders, at a meeting called for the purpose to increase their capital stock so much as in their opinion may be necessary to carry out the true intent and meaning of this act.

Not to erect toll gates in Allegheny city or borough of Manchester without consent of corporate authorities.

SECTION 4. That said company shall not construct any portion of their road, or erect any toll gate within the corporate limits of the city of Allegheny or borough of Manchester, without the consent of the corporate authorities of said city and borough: *Provided*, That said city and borough, or either of them, may by ordinance agree to pay to said company six per cent. per annum upon the cost of the portion of their road *the* lying within their respective limits, in lieu of all tolls upon such portion of the road.

Commencement and completion of road.

SECTION 5. That if said company shall not commence the construction of their road within two years, and complete the same to Wood's run within five years after the passage of this act, this act shall be null

and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

SECTION 6. That in all cases where any trust or security for the general benefit of creditors of any person indebted to the commonwealth, or for the specific benefit of the commonwealth, in respect to any debt or accountability of any such person, shall have been or shall be in good faith created, it shall be lawful for the state treasurer, with the approbation of the auditor general, at their discretion, to suspend proceedings by execution for the collection of such debt or accountability, while such trust is in the due course and progress of fulfilment, and when the commonwealth shall have any lien upon property real or personal, for any such debt or accountability, to release any such estate real or personal that may from time to time be sold in the due execution of such trust, upon payment of the entire net proceeds, if such sale or sales to the commonwealth on account of such debt or accountability, or upon due application of the same, in or towards the payment of any admitted prior incumbrances thereon: *Provided*, That at least fifteen days' notice of such sale shall be given to the auditor general or state treasurer by the said trustee or trustees.

In cases of trust for benefit of creditors, by persons indebted to commonwealth, state treasurer may suspend proceedings by execution.

May release real estate upon payment of net proceeds of said estate to commonwealth on account of debt.

Speaker of the House of Representatives.

Speaker of the Senate.

APPROVED—The sixth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 403.

A N A C T

For the relief of Barbara Patrick, widow of Robert Patrick, a soldier of the Revolutionary war; and to incorporate the Conemaugh and Indiana plank road company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the state treasurer be and he is hereby authorized and required to pay to Barbara Patrick, Barbara Patrick, of Armstrong county, widow of Robert Patrick, a annuity to soldier of the Revolutionary war, or to her order, an annuity of forty dollars during her natural life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and fifty.

SECTION 2. That Edward Nixon, James Todd, Augustus Drum, John H. Shryock, William M. Stewart, James Clark, esquire, John Graff, John Sutton, Thomas Adams, Robert Craig, Thomas Campbell, David Cummins and William Moorhead, or any five of them, be and

- Style. they are hereby appointed commissioners to open the books, receive subscriptions and organize a company, by the name, style and title of "The Conemaugh and Indiana plank road company," to locate and construct a plank road from the borough of Indiana, in the county of Indiana, to the nearest and most practicable point on the Conemaugh river, adjacent to the Pennsylvania railroad, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with this and the following sections.
- Location. **SECTION 3.** That the capital stock of the said company shall consist of one thousand shares, of twenty-five dollars per share: *Provided*, That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.
- Subject to provisions of certain acts. **SECTION 4.** That if the said company shall not commence the construction of said road within five years from the passage of this act, and complete the same within ten years thereafter, this act so far as it relates to said road, shall become null and void, except so far as to wind up the affairs of said company and pay the debts of the same.
- Capital stock. **SECTION 5.** That the canal commissioners are hereby authorized to examine the claim of George W. M'Kellip, of Armstrong county, for damages sustained by dam number two, on the Kiskiminetas river, on the Western division of the Pennsylvania canal, and report the amount of damages sustained by him, if any, to the next legislature.
- Commencement and completion of road. **SECTION 6.** The further proviso in the second section of the act authorizing the administrators of Joseph W. Guernsey, deceased, to sell certain real estate, and relating to the Buck Mountain coal company, approved February twelfth, one thousand eight hundred and fifty, shall not be so construed as to require the said company to pay to the state treasurer more than one per cent. on the present amount of the capital stock of the said company paid in; and that if the capital stock shall at any time be increased, then and in that case the said company shall pay to the state treasurer one per cent. on the additional capital stock so paid in.
- Canal commissioners to examine claim of Geo. W. M'Kellip. **SECTION 7.** That hereafter the Jackson Blues, of Lower Mahantongo township, and the Mahantongo Infantry, of Upper Mahantongo township, both in Schuylkill county, be and the same are hereby formed into a separate battalion, to be attached to the first brigade, sixth division, Pennsylvania militia.
- Buck Mountain coal company to pay no more than one per cent. on amount of stock paid in, to be paid on additional stock.
- Jackson Blues and Mahantongo Infantry made a separate battalion

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 404.

A SUPPLEMENT

To the act for the regulation and continuance of a system of education by common schools, passed April seventh, Anno Domini, one thousand eight hundred and forty-nine; to alter the charter of the first Presbyterian church of the borough of Reading; to change the place of holding elections in certain districts; relative to certain school districts; and to the borough of Duquesne, in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the first section of the act, entitled "An Act for the regulation of a system of education by common schools," passed April seventh, Anno Domini, one thousand eight hundred and forty-nine, which provides that every township, borough or ward shall constitute and be a school district, be and the same is hereby repealed, so far as the same relates to separate school districts formed prior to said act, out of parts of townships, in the county of Schuylkill; and that the school district heretofore known by the name of East Brunswick school district, shall hereafter be known and called by the name of the M'Keansburg school district, M'Keansburg school district, Schuylkill county, erected.

SECTION 2. That the corporation heretofore known as the First Presbyterian church of the borough of Reading is hereby created and continued a corporation, under the name and style of "The First Presbyterian church of the city of Reading;" and under such change of name shall have and possess all the property, and rights of property, and be subject to all the liabilities, which belong to the said corporation as heretofore named; and shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere; and shall be able and capable in law and in equity to take, hold and receive, to them and their successors, for the use of the said church, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which are now or shall hereafter become the property of the said church, or be given or conveyed, or sought to be given, granted or conveyed, either to the said church or to and for the use of the said church, by gift, grant, bargain, sales, conveyance and devise, bequest or otherwise, from any person or persons capable in law of making the same, and to grant, bargain, sell, mortgage, improve or dispose of the same for the use of the said society: *Provided,* That the clear yearly value or income of the said real estate so held at any one time by the said church, shall not exceed three thousand dollars, and shall not be applied to any other purposes than those of religion, education and charity. Style.
Privileges.

SECTION 3. The secular business of the said corporation shall be conducted by thirteen trustees, to be elected annually, on the first Wednesday of May of each year, and to hold their respective offices for the term of one year, and until their successors are elected; said trustees shall be elected by the regular pew-holders of the said church, of whom not more than two shall vote for any one pew; and in case any trustee shall die or resign, or be otherwise lawfully removed during his said term of office, the remaining trustees shall proceed to fill said vacancy Trustees, annual election of.
Vacancies.

until the next annual election: *Provided*, That it shall be lawful for the said trustees, in their by-laws, from time to time to provide for a different number of trustees, not more than thirteen nor less than five: *And provided further*, That public notice of the time of election of trustees shall be given from the pulpit of said church, on the Sabbath next preceding an election: *And provided further*, That until the election in May next, as herein prescribed, the existing board of trustees, to wit: William Eckert, John S. Pierson, William N. Coleman, J. Bowman Bell, Alexander H. Peacock, Ephraim Booth and Newton D. Strong shall continue to fill the office of trustees, and shall possess all the powers which may be lawfully possessed and exercised by the trustees of the said corporation.

By-laws.

SECTION 4. The said trustees and their successors shall have full power to enact such by-laws and ordinances as they may from time to time think proper, for the regulation and transaction of the business of the said corporation; and shall have power, also, to change the time of holding the election for the choice of trustees, if such change should be deemed advisable: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of the United States and of this state, *or*: *And provided further*, That the said trustees shall not sell, alien or otherwise dispose of the real estate belonging at any time to the said corporation, or encumber the same (except in the way of mortgage to secure or aid in liquidating the present indebtedness of the said corporation) without the consent of a majority of the pew-holders who shall have been convened pursuant to public notice given in such manner as the by-laws shall prescribe.

Proviso.

Proviso.

Repeal.

SECTION 5. Such parts of the former charter of the said corporation as are supplied by, or inconsistent with the provisions of this act, are hereby repealed.

School directors of South-west township, Warren county, authorized to erect a school house.

SECTION 6. That the school directors of the township of South-west, in the county of Warren, be and they are hereby authorized to erect a suitable school house in sub-district number one, in said township, and to levy a tax for the payment thereof upon the taxable inhabitants and property of said sub-district number one.

Providence township, Luzerne county, place of holding elections in.

Jefferson township.

SECTION 7. That the qualified electors of Providence township, Luzerne county, shall hereafter at all times hold their general and special elections for said township, at the house now kept by Merrifield and Sloan, in the village of Hyde Parke; and that the qualified electors of the township of Jefferson, in the same county, shall hereafter hold their general and special elections for said last mentioned township, at the house now occupied by John Coon, in the same township.

Relative to the location of school houses in Braddock's Field school district.

SECTION 8. That it shall be the privilege of any ten taxables in the Braddock's Field school district, feeling themselves aggrieved in the matter of locating school houses in said district, or where the school directors refuse to divide the said district for the convenience of its citizens, to apply to the judges of the court of common pleas for redress, who shall appoint three commissioners to view said district, and report the result of their examinations to the said court, with a recommendation of division or no division, and if the former, the place or places at which the school houses shall be erected which shall be subject to the approval or disapproval of said court, the decision of which tribunal shall be final; said commissioners to be selected from citizens of a neighboring township, and the expense of said view to be audited by the county commissioners, and paid out of the Braddock's Field school district fund, at the rate of one dollar for each day's service.

Certain act not to prejudice the

SECTION 9. That the act, entitled "A supplement to an act incorporating the borough of Duquesne," approved the sixth of April, one

thousand eight hundred and fifty, shall not be construed to prejudice the rights, &c., of rights and immunities of Zebulon Kinsey, and others, vested in him or Zebulon Kinsey and others.

SECTION 10. That the township of Upper Paxton, including the borough of Millersburg, in said township, in the county of Dauphin, shall hereafter form but one election district, and the qualified electors of said township and borough shall hold their borough, township and general elections as heretofore, at the frame school house on the bank of the Wiconiseo creek.

SECTION 11. That part of Herrick school district known as sub-district number two, in the county of Susquehanna, shall hereafter constitute a separate and independent school district, to be known as the Lyons school district, subject to all laws and regulations relative to a general system of education by common schools in this commonwealth.

SECTION 12. That the qualified voters of Berne township, Berks county, shall hereafter hold their township elections at the house of Christian Leinbach, in said township.

SECTION 13. The school directors of every school district shall annually, on or before the first Monday of May, and by the votes of not less than four members of the board, levy such an amount of tax in their district as shall, together with such additional sums as the district may be entitled to receive out of the state appropriation, and from other sources, be sufficient and necessary to keep the schools of the district in operation not less than three, nor more than ten months in the year; and the twenty-second section of the act approved seventh April, one thousand eight hundred and forty-nine, entitled "An Act for the regulation and continuance of a system of education by common schools," be and the same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 405.

AN ACT

To repeal the twentieth section of an act in reference to the Bank of Lewistown; to authorize Rebecca Large to sell an convey certian real estate; relative to the district of Kensington; and to the public schools of the incorporated districts in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Bank of Lewis-
town, repeal of
20th section of
certain act rela-
tive to.

the twentieth section of the act, entitled "An Act for the erection of a house for the support of the poor in the county of Mifflin; authorizing the overseers of the poor of Lycoming county to sell certain property belonging to Walter Potts, an insane pauper; relative to the boundary lines between the states of Pennsylvania and Delaware; to elections in Philadelphia county; and to holding courts in Juniata county; and to taking excessive interest from the Bank of Lewistown," approved the twenty-second day of April, one thousand eight hundred and fifty, be and the same is hereby repealed.

Rebecca Large
authorized to dis-
pose of certain
real estate.

SECTION 2. That Rebecca Large, wife of John Baldwin Large, of the city of Philadelphia, be and she is hereby authorized to convey, assure and dispose of all or any portion of the real estate devised to her use by Mrs. Dorothy Large, by her last will, dated the third day of November, A. D., one thousand eight hundred and twenty-seven, duly proved and registered in the office of the register of wills for the city and county of Philadelphia, as fully and effectually in all respects as though she were a *feme sole*, and under no legal disabilities.

Commissioners of
the Kensington
district, Philadel-
phia county, au-
thorized to curb,
grade, &c., a
certain street.

SECTION 3. That the commissioners of the Kensington district of the Northern Liberties, in the county of Philadelphia, are hereby authorized and required to curb, grade and pave a certain street laid down, upon the approved plan of said district, at the distance of two hundred feet more or less south-eastward from Beach street, and running parallel therewith, from the point to which said street is now opened and improved, to the south-west boundary line of said district; and the cost of grading, curbing and paving said street, including side-walks, shall be recovered from the owner or owners of property fronting on said street, as the cost of grading, curbing and paving streets in the other cases in said district is recoverable by existing laws.

Board of school
directors of the
incorporated dis-
tricts authorized
to make certain
by-laws.

SECTION 4. That the board of directors of public schools of the incorporated districts in the county of Philadelphia, shall have power to make by-laws for vacating the seats of members who do not give proper attention to the duties of their office.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The sixth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 406.

AN ACT

To extend the charter of the Farmers' Bank of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Farmers' Bank of Lancaster is hereby extended and renewed, subject to all the restrictions and provisions, and with all the immunities and privileges, contained in an act, entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of May, A. D. one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 407.

AN ACT

To extend the charter of the Harrisburg Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Harrisburg Bank be and the same is hereby extended and continued for the term of fifteen years, from the expiration of its present charter, subject to all the restrictions and provisions, and with all the immunities and privileges contained in an act, entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty.

SECTION 2. That the capital stock of the said bank shall be reduced to two hundred and forty thousand dollars, and be divided into shares of twenty dollars each.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 408

A FURTHER SUPPLEMENT

To the act, entitled “An Act to incorporate the subscribers to the Insurance company of North America.

Preamble.

WHEREAS, The president and directors of the Insurance company of North America are desirous to be permitted to increase their capital stock, and restore the par value of the shares of their stock to the original amount and value; therefore,

Capital stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That it shall be lawful for the said Insurance company of North America, whenever a majority of the stockholders at any meeting regularly convened, shall deem it expedient, and express their assent thereto, to increase the capital stock of the said company to the sum of five hundred thousand dollars, and the par value of the shares of said stock to ten dollars each: *Provided*, That the amount of the effective funds of the said company shall be equal to five hundred thousand dollars, beyond reservations and claims for existing business, and be invested and set apart as their capital.

Repeal.

SECTION 2. That so much of any act relating to the said company as is hereby affected, altered or supplied, be and the same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 409.

A SUPPLEMENT

To an act, entitled “An Act to incorporate the president, managers and company of the Hatboro’ and Hartsville turnpike road company,” approved the tenth day of March, one thousand eight hundred and forty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

so much of the sixth section of the act to which this is a supplement, as requires the construction of the said road over and upon the bed of the York road, beginning at the termination of the Cheltenham and Willow Grove turnpike road, in Montgomery county; thence as nearly along the bed of the said road as may be practicable to Hartsville, in Bucks county, shall be and the same is hereby altered and amended so as to authorize the president, managers and company of said road to construct the same only as far as the Street road, in Bucks county, instead of Hartsville as mentioned in said act; and that the name of said company be and the same is hereby changed to that of the Hatboro' and Warminster turnpike road company. Name changed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 410.

AN ACT

Relative to the assessment of taxes in the city of Allegheny, and to negotiate a loan for the purpose of redeeming outstanding scrip.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

the select and common councils of the city of Allegheny shall be and they are hereby authorized to levy and assess upon all the goods, wares and merchandize, and upon all articles of trade and commerce sold in the said city, including sales at auction or otherwise, an annual tax not exceeding five mills on the dollar, for the use of said city, to be levied and collected from the venders of said articles in the same manner as other city taxes are now levied and collected: *Provided however,* That the aggregate amount to be levied on the sales of any individual or firm shall not exceed one hundred dollars.

Select and common council of Allegheny city authorized to levy and assess certain tax.

Proviso.

SECTION 2. That the select and common councils of the city of Allegheny shall be and they are hereby authorized to levy and assess on the possessions and property in and of the city of Allegheny made taxable, a water tax not to exceed five mills on the dollar on the valuation established by the city assessor; and it shall be the duty of the select and common council in ordering the assessment of said water tax, to discriminate in favor of the possessions and property not benefitted by the extension of the water pipes throughout the city of Allegheny: *Provided,* That no tax shall be laid on property fronting on streets where the water pipes have not been extended.

Further powers.

SECTION 3. That for the purpose of redeeming the outstanding issues of small notes or city scrip, that the committee of finance of the city of Allegheny, if it be necessary, are hereby authorized to negotiate a loan or loans not exceeding in amount two hundred thousand dollars, on such terms as they may deem most advantageous for the city; and in case it may be necessary to effect the same, the said committee be authorized to dispose of the city bonds on the best terms which the said loan can be obtained; and no loan which may be made by any person to said city shall be deemed or taken to be usurious for or by reason of said city giving its bonds or other evidences of debt for a greater sum than the sum actually received, but such loans shall be deemed and taken to be lawful and valid.

SECTION 4. That it shall not be lawful for the said councils, either directly or indirectly, or by bonds, certificates of loans or of indebtedness, or by virtue of any contract, or by any other means or device whatsoever, to increase the indebtedness of the said city in a sum which, added to the existing debt, shall, taken together, exceed five hundred thousand dollars, exclusive of the subscription of two hundred thousand dollars to the Pennsylvania and Ohio railroad company; but when any portion or portions of the present debt of the city, for which bonds, certificates or other evidences have been issued, shall fall due, it shall be lawful for the said councils to negotiate and grant a renewal of the same, or to effect new loans: *Provided*, That the proceeds of such new loans shall be strictly appropriated to the extinguishment of such portions of debt falling due, and to no other purpose whatsoever.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 411.

AN ACT

For the relief of certain soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized and required to pay to Samuel Jordan, of Northumberland county; Christina Dreher, of Schuylkill county; Anne Haas, widow of Jacob Haas, the widow of John Stour, and Elizabeth Souder, all of Philadelphia county; Mary

Gratuity and annuity granted to certain soldiers and widows of soldiers.

Deobler, widow of Abraham Deobler, and Barbara Hess, widow of George Hess, of Lebanon county; Margaret Ralston, widow of John Ralston, of Crawford county; Margaret Boyer, widow of Frederick Boyer, of Schuylkill county; Jane Fee, widow of Col. John Fee, of Huntingdon county; Jane Myers, of Allegheny county; Rebecca Sechler, of Lycoming county; and Margaret Brady, Elizabeth Freeman and Jane Wilkins, of Indiana county; and Barbara Ruffner, widow of Simon Ruffner, of Westmoreland county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, a gratuity of forty dollars each, payable upon the passage of this act; and an annuity of forty dollars each, during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and fifty.

SECTION 2. That the state treasurer be and he is hereby authorized and required to pay to Adam Leitner and Peter M'Candless, of York county; George Till, of Berks county; William V. Bay, of Lawrence county; Rebecca Fee, widow of Michael Fee, of Fayette county; Catharine Monks, widow of Absalom Monks, of Butler county; Margaret Hickernell, of Crawford county; and Elizabeth Reichart, of Bucks county; Mary Henderson, widow of the late Thomas Henderson, of York county; Nancy Daub, widow of Dillwin Daub, of Lebanon county; Margaret Ann Finefrock, of Somerset county; Nancy Kirkpatrick, of Perry county; Margaret Hackny, of Warren county; Margaret Yeager, of Dauphin county; and Alexander Mullin, of Cumberland county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, a gratuity of forty dollars each, payable upon the passage of this act.

Gratuity granted to certain soldiers and widows of soldiers.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 412.

AN ACT

To extend the charter of the Lancaster County Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Lancaster County Bank is hereby extended and renewed, subject to all the restrictions and provisions, and with all the immunities and privileges contained in an act, entitled “An Act regu-

lating banks," approved the sixteenth day of April, one thousand eight hundred and fifty.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 413.

AN ACT

To authorize the investigation of the claim of Jacob Hill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the auditor general be and he is hereby authorized and required to investigate the claim of Jacob Hill, of Armstrong county, for money and materials furnished by him for the use of the commonwealth, to James F. M'Gague, late surpervisor of the Western division of the Pennsylvania canal, for the purpose of repairing dams number one, two and three on said division, and make a full report of the facts to the legislature.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 414.

AN ACT

To extend the charter of the Miners' Bank of Pottsville, in the county of Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of Miners' Bank of Pottsville, in the county of Schuylkill, be and the same is hereby extended and renewed for a period of fifteen years from and after the expiration of its present charter, with all the immunities and privileges, and subject to all the conditions, restrictions and provisions of an act, entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty, as fully as if the several sections of the said last recited act were herein literally repeated and set forth.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 415.

AN ACT

For the preservation of wild game in the county of Lebanon; and to incorporate the German Reformed Lutheran congregation of the town of Tremont, in the county of Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of January next, no person shall kill in the county of Lebanon, any pheasant, partridge, woodcock or rabbit, between the first day of January and the twentieth day of September in each and every year.

Pheasants, &c.,
in Lebanon county,
killing of.

SECTION 2. No person shall at any time wilfully destroy the eggs or next of any pheasant, partridge or woodcock within the said county.

Destruction of
eggs of pheasants, &c.

- Further regulations.** SECTION 3. No carrier, huckster, victualler or inn keeper shall have in his or her possession, or buy or cause to be bought, or carry out of the said county for the purpose of supplying any market, any pheasant, partridge, woodcock or rabbit, unless they shall have been taken in the proper season.
- Penalty for offending against this act.** SECTION 4. Any person or persons offending against any of the provisions of this act, on conviction thereof before any justice of the peace, shall forfeit and pay for every such offence, a fine of five dollars and all costs and charges, one-half of the fine for the use of the informer, and the other half for the use of the county.
- Style.** SECTION 5. That a corporation is hereby created by the name, style and title of "The German Reformed and Lutheran congregations," of the town of Tremont, in the county of Schuylkill, and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take, hold and receive to them and their successors, for the use of said corporation, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which is now, or shall, or may at any time hereafter become the property of said corporation, or to be held for their use, by gifts, grants, bargains, sales, conveyances, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and to grant, bargain, sell, mortgage, improve or dispose of the same, for the use of the said corporation: *Provided*, That the yearly value or income of the said estate so held by said corporation, shall not at any time exceed the sum of two thousand five hundred dollars, and shall not be appropriated to any other than benevolent or religious uses.
- Trustees. Officers.** SECTION 6. The business of the said corporation shall be conducted by four trustees and one secretary, which trustees may appoint a treasurer, and such other officers as they may from time to time deem necessary for the better government of the said corporation; and until others are or shall be elected as is hereinafter provided, the following named persons shall be trustees, to wit: Henry Eckel, John B. Zeibach on the part of the German Reformed, and Henry Brobst and Charles Bachman on the part of the Lutheran congregations, to continue in office until the last Saturday in December, Anno Domini, one thousand eight hundred and fifty, on which day the male members of said congregation shall elect two trustees and one secretary, and on the same day each and every year thereafter elect two trustees, one German Reformed and one Lutheran, and one secretary; the trustees to serve for the term of two years, and the secretary one year, or until others are elected; and if vacancies by death or otherwise shall happen in the office of trustees or secretary, the remaining trustees or trustee may appoint another to supply such vacancy, and to serve until the next election; and if the members of said congregation neglect on the day of the meeting, to hold their election as is hereinbefore directed, the said corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent day on which the election may be held: *Provide*, That public notice of all elections be given from the pulpit, at least two weeks before said election; and any male member of said congregation, at least twenty-one years of age, and who shall have after his majority paid for the support of said church the amount specified in the by laws, shall be entitled to vote for trustees and secretary.
- Power of trustees.** SECTION 7. The trustees aforesaid shall have the control over and management of all the secular and pecuniary affairs of said congregation, the care of the house and other church property now or hereafter belonging to them, and all other temporal concerns and business of the

church; and in case of a tie vote of the said trustees, the secretary shall have the power to give the casting vote; yet nevertheless they may convene and call together, for their aid, the deacons and members of the said congregation, upon any occasion, for any purpose belonging to said congregation.

SECTION 8. The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the said corporation; and shall have power also to change the time of holding the general election, if the same should be deemed advisable: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state or of the United States: *Provided further*, That the said trustees and their successors shall have full power to sell and make title to such lots or ground as is or may be appropriated for the purpose of burial by said congregation; but shall not dispose of, alien, sell or in any way encumber the other real estate belonging thereto, unless with the consent of a majority of the members of said congregation entitled to vote as aforesaid, who shall meet and determine upon such sale, encumbrances or purchase as shall have been proposed.

By-laws.

Proviso.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 416.

AN ACT

Authorizing the First German Reformed congregation of Lancaster to sell certain real estate; relative to the common schools in the city of Lancaster; to a certain tavern license in Lancaster county; to Girard avenue, in the district of Penn; to authorize the school directors of North-west ward, Reading, to borrow money; relative to the sale of the real estate of George Flowers, of Philadelphia, deceased; to powers of courts of quarter sessions; to justices of the peace and their sureties; to opening and grading streets, &c., in the borough of Pottsville; to the sureties of Jacob Sallada, late surveyor general; and to Marsh and Penn streets, in the district of Kensington; and relative to actions of ejectment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the minister, trustees, elders and deacons of the German Reformed congregation of the city of Lancaster, or a majority of them, are hereby authorized and directed to grant, assign and convey all the right, title, estate.

Minister, trustees, &c., of the German Reformed church of Lancaster authorized to convey certain real estate.

interest and estate in the Lancaster cemetery, and the ground and appurtenances thereto belonging, and superintendent's house, to the Second German Reformed church, when incorporated by the name of "The minister, trustees, elders and deacons of the German Reformed church," to hold to them forever, as fully and completely as the same is now held by the German Reformed congregation aforesaid (in whom the title to the Lancaster cemetery, superintendent's house and lot of ground is now vested;) and all the franchises, liberties, privileges, exemption and power whatsoever belonging to the said Lancaster cemetery, superintendent's house and lot of ground, are hereby fully extended, granted given to the Second German Reformed church, when incorporated by the name of "The minister, trustees, elders and deacons of the German Reformed church of the city of Lancaster;" and all the powers granted to all or any of the officers of the said German Reformed congregation, are hereby given to the officers of the said Second German Reformed church, to be exercised by the said officers of the Second German Reformed church in the same way as such powers, rights or privileges were authorized to be exercised by the officers of the said German Reformed congregation; and also further, that all moneys, demands, claims and rights whatsoever belonging to the said Lancaster cemetery, superintendent's house and lot of ground, or originating or belonging thereto, shall vest and belong to the Second German Reformed church aforesaid, on condition that the charter of the Second Reformed German church shall contain as its title, "The ministers, trustees, elders and deacons of the German Reformed church," to whom said property shall be conveyed, to remain forever the property of the German Reformed church, in conformity with the stipulations of the charter of the First German Reformed church; it being understood that the regular services of the Second German Reformed church are to be in the English language; and it being also understood, that if the new church is not built in five years, said property or its value, being two thousand dollars, shall revert to the First German Reformed church.

Minister, trustees, &c., of the Second German Reformed church authorized to convey the same.

SECTION 2. The said minister, trustees, elders and deacons of the Second German Reformed church, or a majority of them, are hereby authorized, when the title to the said Lancaster cemetery is vested in them as aforesaid, to sell, assign, grant and convey the same to such person or persons as shall purchase the same, and take such security for the payment of the purchase money as they may think proper; and upon such sale all the rights, franchises, liberties, privileges and immunities of said Lancaster cemetery shall vest in such purchaser or purchasers.

Board of school directors of the city of Lancaster authorized to admit certain pupils, &c.

SECTION 3. It shall be lawful for the board of directors of the common schools of the city of Lancaster, to admit into the male and female high schools of said city, such pupils from the townships and boroughs of the county of Lancaster, as may be placed in said high schools by their respective parents or guardians, and to charge for their instruction therein such price as shall be determined by said board, not exceeding, however, the average cost to said city of instructing the children of citizens of said city in said schools.

Court of quarter sessions of Lancaster county authorized to grant a tavern license to Jacob Greider.

SECTION 4. That the court of quarter sessions of Lancaster county, at any term thereof is empowered to grant to Jacob Greider, of West Hempfield township, in said county, a license to keep an inn or tavern in said township, under the regulations prescribed in the act of the eleventh of March, eighteen hundred and thirty-four, or the said license may be granted by any two of the judges if in vacation: *Provided*, That the said license shall not be granted except on the certificate re-

quired by the fourth section of the act of March eleventh, eighteen hundred and thirty four, entitled "An Act relating to inns and taverns," &c.

SECTION 5. That it shall be lawful for the commissioners of the incorporated districts of the Northern Liberties and Spring Garden, in the county of Philadelphia, to enter upon, dig up, and open any part of Girard avenue, in the district of Penn., as the same is now laid out and proposed to be opened, for the purpose of laying new main iron pipes of conduit along the same from the reservoir of the water works of the said districts, in order to afford a more copious supply of water to the districts supplied from the said water works: *Provided*, That before they shall dig up the said street where it is not already opened as a public highway, they shall give security in such sum and in such manner as shall be approved by the court of quarter sessions of the county of Philadelphia, for the payment of such damages as shall be sustained by the owners of the soil through which the said Girard avenue is laid out, in consequence of the opening and digging up of the said Girard avenue for the purpose of laying the said conduit pipes; and the said damages shall be assessed and paid by the commissioners of the said districts, according to the provisions of the acts of assembly now in force in the county of Philadelphia, for assessing and paying the damages for opening streets and highways.

Commissioners of the incorporated districts of the Northern Liberties and Spring Garden authorized to dig up and open Girard avenue.

SECTION 6. That the school directors of the North-west ward of the city of Reading be and are hereby authorized to borrow any sum of money not exceeding four thousand dollars, and to secure the repayment of the same by judgment or mortgage on the real estate of said board of school directors in the ward aforesaid.

School directors of the North-west ward, Reading, authorized to borrow money.

SECTION 7. That Yerkes Saurman, guardian of Harriet Flowers and Washington Flowers, minor children of George Flowers, late of the city of Philadelphia, deceased, or such other person as shall hereafter be appointed guardian of the said Harriet Flowers and Washington Flowers, or either of them, be and he is hereby authorized and empowered to sell and dispose of, either at public or private sale, all the estate, right, title and interest, property, claim and demand whatsoever of them, the said Harriet Flowers and Washington Flowers, or either of them, at law, in equity, or otherwise howsoever, of, in and to all or any part or parts of the real estate, lands, tenements and hereditaments, situate, lying and being in the city and county of Philadelphia, in the state of Pennsylvania, or elsewhere, whereof the said George Flowers, deceased, died seized or possessed; and to grant and convey the same in fee simple, unto the purchaser or purchasers thereof, and to make, execute, acknowledge and deliver to the said purchaser or purchasers, good and sufficient deed or deeds, conveyances and assurances in the law for the same; and also to agree to and to confirm all and every proceeding or proceedings heretofore had and done in the orphans' court for the county of Philadelphia, relative to the real estate of the said George Flowers, deceased, the inquest thereon, the petition therefor and the sale thereof, and other matters and things in conjunction or connection therewith, or in anywise appertaining thereto: *Provided*, That before any deed of conveyance shall be extended for the same, the said guardian shall give a bond in such sum and with such surety as the said orphans' court shall order and direct, for the faithful application of the proceeds of sale of the real estate hereby authorized to be sold.

Guardian of the minor children of George Flowers authorized to sell certain real estate.

Proviso.

SECTION 8. That in addition to the powers now given to the courts of quarter sessions by the act of thirteenth June, in the year of our Lord, one thousand eight hundred and thirty-six, it may be lawful for them on petition under the same rules and restrictions regulating pro-

Additional powers granted to the courts of quarter sessions in rela-

tion to laying out
and vacating
state roads.

ceedings for laying out and vacating public roads, to grant the orders for widening all such roads as are now, or hereafter may be laid out, reserving to those persons who may consider themselves damnified, the right of submitting their claims to a board of viewers, as is now provided in cases of laying out roads: *Provided*, That no road shall in any case exceed fifty feet in width.

Fifth section of
certain act rela-
tive to sureties of
justices of the
peace, altered
and amended.

SECTION 9. That the fifth section of the act passed the twenty-first day of April, one thousand eight hundred and forty-six, entitled "An Act in relation to certain public officers and their sureties," be and the same is hereby altered and amended that the application therein contemplated may be made in vacation to any one or more judges of the court of common pleas, *when* action in the premises shall have the same force and effect as though made by the court in session.

Opening, repair-
ing, grading,
&c., streets,
lanes, &c., in
the borough of
Pottsville, for the
regulation of.

SECTION 10. That in lieu of the mode now provided by law for the opening, repairing, grading and curbing of the public streets, lanes, alleys and highways in the borough of Pottsville, in the county of Schuylkill, the town council of said borough, shall in the month of May of each year, divide off said borough into convenient wards or sections, and after giving at least two weeks' public notice in the newspapers published in said borough for the reception of proposals, shall on a day to be fixed by said council for the purpose, publicly let out such of the opening, repairing, grading and curbing of said streets which said borough may by existing laws be required to perform, to the lowest bidder or bidders, who shall give good and sufficient security for the faithful performance of his or their respective bid or bids.

Jacob Sallade,
deceased, for re-
lief of sureties of.

SECTION 11. That the auditor general be and he is hereby authorized and required in the name of the commonwealth of Pennsylvania, upon payment of the original debt caused by the defalcation of Jacob Sallade, and the costs thereon, to release John Klingensmith, of Westmoreland county; Samuel R. Hill and Hannah Hill, executors of Abraham Hill, deceased, of Berks county; Samuel Fegely, of Berks county, and John Walborn, Henry Walborn and Michael Strack, administrators of Jacob Walborn, of Berks county, deceased, from the payment of interest upon the said original claim of the commonwealth against them as sureties of said Jacob Sallade, late surveyor general, which claim is now in judgment on the records of the common pleas of Dauphin county.

Marsh and Penn
streets, in Ken-
sington district,
to be kept open
for public use.

SECTION 12. That the commissioners of the Kensington district of the Northern Liberties, in the county of Philadelphia, shall have power and they are hereby required to keep open for public use Marsh and Penn streets, in said district, in order that the owners of property bounding on said streets, shall at all times have free ingress and egress to and from said streets; and it shall be the duty of said commissioners to remove any building or obstruction now erected or put, or which may hereafter be erected or put upon said streets or either of them, which may interfere with the use of the said streets by the public: *Provided*, That proper and suitable wharves erected, or to be erected at the landings of said streets, shall not be deemed obstructions within the meaning of this section.

Actions of eject-
ment, relating to.

SECTION 13. That the repeal of the fifth section of the act of the fifth of May, one thousand eight hundred and forty-one, entitled "An Act relating to the Warren bridge company, and for other purposes," by the fifth section of the act of the thirtieth of April, one thousand eight hundred and fifty, entitled "An Act to incorporate the Presbyterian congregation of Fruit Hill, in the county of Clearfield, and relative to actions of ejectment," shall not have any effect upon actions of ejectment pending in any of the courts of this commonwealth at the time of the said repeal, and which were brought since the passage of

the said act of the fifth of May, one thousand eight hundred and forty-one; but all such actions of ejectment shall be tried and finally determined as though the said fifth section of the said act of the fifth of May, one thousand eight hundred and forty-one, was in full force.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 417.

AN ACT

Authorizing the governor to incorporate the Larrie's Creek plank road company; relative to the estate of James Jones, of the state of Delaware, and Henry C. Heermans and Sarah Ann Steele, of the county of Luzerne; to the real estate of Margaret Manderson; to the accounts of the brigade inspector of Lycoming county; authorizing John Archey to collect certain school taxes; to legitimate Livina Ely; and relative to Hockley's alley and Bingham street, in the city of Reading.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That John A. Gamble, Robert Crane, Robert S. Bailey, John Knox, junior, Robert H. Lawshe, George Tomb, A. H. M'Henry, E. H. Russel, Commissioners. Jacob Sallada, Joseph B. Torbit, Samuel Humes, Lewis P. Reeder, J. W. Maynard, John F. Cowen, Hepburn M'Clure, William Riddell, Oliver Watson and Robert Farries, be and they are hereby appointed commissioners to open books and receive subscriptions, and organize a company by the name, style and title of "The Larrie's Creek plank road company," with power to construct a plank road from the West Branch canal, at or near the mouth of Larrie's creek, to the most practicable point on Little Pine creek, in Lycoming county, by the nearest and best route, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, excepting that portion of the thirteenth section of the act first named relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to the width of wheels in any case. Style. Location. Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. one thousand five hundred shares, at twenty-five dollars per share:

Proviso.

Provided, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road or roads, and to carry out the true intent and meaning of this act.

Commencement and completion of road.

SECTION 3. That if said company shall not commence the construction of their road within five years after the granting of this charter, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Provisions of the first five sections of certain act relative to certain state road in Lycoming county, continued in force.

SECTION 4. That the first, second, third, fourth and fifth sections of the act, entitled "An Act authorizing the laying out a state road from the mouth of Larry's creek, in Lycoming county, by the way of Wellsborough, Tioga county, to the New York state line, at or near Lawrenceville, in said county, and to incorporate the Easton cemetery of Northampton county," approved the fifth day of April, one thousand eight hundred and forty-nine, be and they are hereby continued in force until the first day of January, one thousand eight hundred and fifty-one.

Trustee of James Jones authorized to sell certain real estate.

SECTION 5. That the person appointed by the chancellor of the state of Delaware, trustee of James Jones, a lunatic, shall have power, and he is hereby authorized, to sell, on the best terms he can procure, either at public or private sale, all his, the said James Jones, right, title, estate and interest to and in a certain tract of land situated in what was originally called Beaver county, in this commonwealth, and which is the same tract which was granted by this commonwealth to doctor James Jones, deceased, a surgeon in the Revolutionary army, and by him demised, by his last will and testament, of record in the office of the register of wills of Kent county, in the said state of Delaware, to his son, the aforesaid lunatic, James Jones, for life, and after his death, to his children, in fee simple; but in case he died without having such children at the time of his death, to his daughter, Esther Layton, (now *Easter Meager*.) and Mary Walker, in fee simple: *Provided*, That no such sale shall be made until the aforesaid trustee shall have filed in the court of common pleas of Beaver county aforesaid, a certificate, under seal of the aforesaid court of chancery of the state of Delaware, of the fact that by proceedings instituted in said county, the said James Jones has been declared a lunatic, and of the appointment of said trustee; nor until Daniel Meager and the aforesaid *Easter*, his wife, and the aforesaid Mary Walker, shall have consented to sell all their contingent interest in the said land at the same time; and no deed shall be executed to the purchaser by the said trustees, unless the said Meager and wife and Mary Walker shall join therein, with a view to the conveyance of all their said interest aforesaid, and until the whole purchase money is actually paid into the hands of the said trustee.

Deed to be good and valid.

SECTION 6. The deed of the said trustee, made in pursuance of this act, shall as effectually convey to the purchaser all the title and estate of the said James Jones, as if the said James Jones were of sound mind, and had voluntarily conveyed the same to him.

Investment of funds.

SECTION 7. The money arising from said sale, after deducting reasonable expenses and paying all costs and charges, *and charges* and proceedings in lunacy, procuring aid, filing certificates and execution of papers shall be invested by the said trustee, in some safe security upon real estate in the said state of Delaware, bearing six per cent. interest, and the said interest shall be made payable to the said trustee during the life time of the said James Jones, or so long as he may remain a lunatic, and the principal at his death, to the said trustee for the use of his children, in case he should come to his reason, contract marriage and leave children living at the time of his decease; but in case he

should die without leaving such children, then the said principal to paid to the said Esther Meager, and the said Mary Walker, and their executors, administrators and assigns, in equal shares or proportions; that is to say, one moiety to the said Esther Meager, and her executors, administrators and assigns, and the residue to the said Mary Walker in like manner.

SECTION 8. The purchaser of the said tract of land shall in no wise be responsible for the proper application by the said trustee, of the purchase money thereof.

Purchaser not to be responsible for the application of the moneys.

SECTION 9. That the guardian of Henry C. Heermans, a minor son of Henry Heermans, late of Luzerne county, deceased, be and is hereby authorized to sell at public or private sale, parts or the whole of the real estate of the said minor, situate in said county; and make deed or deeds to the purchaser or purchasers, leaving the widow's dower charged on the lands during her life, and the principal thereof payable at her death, or upon the wards coming of age with the widow's assent: *Provided*, That before any deed is executed and delivered, the said guardian shall make report of any all sales to the orphans' court of said county, and if the said sale shall be approved by the said court, the court shall order and direct the said guardian to file a bond or bonds and the amount thereof, with security, with condition similar to the one now required by law in case of an order of sale to a guardian, and upon the filing of a bond and approval of the security, the said court shall forthwith endorse an order of absolute confirmation of the sale.

Guardian of Henry C. Heermans authorized to sell certain real estate.

SECTION 10. That Luther Kidder, esquire, trustee of Sarah Ann Steele, formerly Sarah Ann Heermans and widow of Henry Heermans, deceased, late of Providence, Luzerne county, be and he is hereby authorized to convey to the said Sarah Ann, and her heirs, all the right, title and interest to the property, real, personal and mixed, of every kind and nature, vested in him by the deed of Joseph Steele, Jr., and the said Sarah Ann, bearing date the fifteenth November, A. D., one thousand eight hundred and forty-five, and recorded in the proper office in said county, on the twentieth November, one thousand eight hundred and forty-five; and the said trustee is authorized to convey to the said Sarah Ann and her heirs, all the interest and rights taken under the said deed, by deed under his hand and seal, the said Joseph Steele, Jr., having been divorced from the said Sarah Ann by decree of the court of common pleas of said county.

Trustees of Sarah Ann Steele authorized to convey certain estate.

SECTION 11. That the first section of the act, entitled "An Act authorizing the trustees of Margaret Manderson to sell certain real estate," approved the twenty-second day of January, one thousand eight hundred and fifty, shall be so construed as to authorize and empower the trustees for the time being of Margaret Manderson to the real estate in said act mentioned, and to convey the same to the purchaser or purchasers thereof free from and discharged of every trust, and without any obligation on the part of such purchaser or purchasers thereof, to see to the application of the purchase money.

Construing certain act relative to the real estate of Margaret Manderson.

SECTION 12. That it shall be the duty of the brigade inspector of the county of Lycoming, to order a court of inquiry, to be composed of five officers highest in rank, now residing within the bounds of said county, whose duty it shall be, having been first sworn or affirmed to discharge the duties of their appointment with fidelity, to examine the accounts of Robert Fleming, late brigade inspector of said brigade, and to hold a court of appeal in order to exonerate such of the fines as it was impossible to collect at the time such fines were imposed, and to make report, under oath, of the amount of such exoneration to the auditor

Court of inquiry authorized to examine the accounts of Robert Fleming, late brigade inspector.

general, whose duty it shall then be to re-settle and restore the account of the said brigade inspector Robert Fleming.

John Archey,
collector of taxes
in Ferguson
township, Cen-
tre county, au-
thorized to col-
lect certain taxes.
Lavina Ely le-
gitimated.

SECTION 13. That John Archey, collector of state, county and school taxes of Ferguson township, Centre county, for the year one thousand eight hundred and forty-six, be and he is hereby authorized to collect such of the said taxes as remain unpaid: *Provided*, That the said taxes are collected, or proceedings instituted for their recovery within one year from the passage of this act.

SECTION 14. That Lavina Ely, daughter of John Ely, of the borough and county of Lebanon, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if she had been born in lawful wedlock.

Hockley's alley,
Reading, vacated.

SECTION 15. That so much of a certain lane or alley in the city of Reading, named Hockley's alley, in the plot of Reading, as made January first, one thousand eight hundred and forty-six, by M. S. Richards, surveyor, as lies between the Schuylkill canal and the road called the River road, to Reese's mill, being in width twenty feet, and in length about sixty feet, be and the same is hereby vacated, and the *tittle* to the soil over which the same passes, be and the same is hereby vested in fee simple in the owners of the ground adjoining: *Provided however*, That before closing the said part of said alley prayed to be vacated, there shall first be opened and dedicated to public use, in lieu thereof, on the land adjoining another opening or passage way of the width of twenty feet, to extend from the Schuylkill canal to the road called the River road to Reese's mill.

Proviso.

Bingaman street,
Reading, va-
cated.

SECTION 16. That that part of Bingaman street, in the city of Reading, which lies between Tenth street and the intersection of Franklin street, in said city with said Bingaman street, being in width fifty feet, and in length about eight hundred and eighty feet, be and the same is hereby vacated, and the *tittle* to the soil over which the same passes, be and the same is hereby vested in fee simple in the several owners of grounds fronting upon the same respectively.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 418.

AN ACT

For the relief of Joshua Pugh, of Luzerne county, and to incorporate the Odd Fellows hall association of Manayunk.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That it shall be the duty of the canal commissioners to examine what amount of damages, if any, have been sustained by Joshua Pugh, of Luzerne county, by the destruction of a mill seat and injury to a basin for the receiving of logs in the vicinity of his mill, with the appurtenances and other privileges thereunto belonging, occasioned by the re-construction of the Nanticoke dam, and the construction of a new portion of canal near to said Nanticoke dam, in Plymouth township, in said county, and to report the sum to which in equity and justice they shall think him entitled; and it shall be the duty of the canal commissioners to take the examination of witnesses in relation to said claim.

Canal commissioners authorized to examine the claim of Joshua Pugh.

SECTION 2. That Alonzo Robb, James Ralston, Edward Holt, James Holt, George Oldfield, Hudson Carlisle, junior, Curtis Knowlton, Edward Holgate, William Tibben, Enoch Boothby, John Laycock, Christian Klein, James Bisset, Thomas Cromby, William Eastwood, Charles H. Sutton, William Munn, Samuel Lawson and Frederic Bucking, and their successors, and all persons who now are or may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Odd Fellows hall association of Manayunk, and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in any court of law or equity and elsewhere, and shall be able and capable in law and equity to take and hold to them and their successors, either by grant, gift, devise, or lease any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and hold for the use of the said association any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest or otherwise, from any person or persons whatsoever capable of making the same; and the same at their pleasure to grant, bargain, and sell for the use of said association; and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs of said association: *Provided*, That the real estate of said corporation shall not exceed the net yearly income of two thousand dollars.

Corporators.

Style.

Privileges.

SECTION 3. The object of said corporation shall be to provide, erect and furnish a hall or suitable building or buildings in the borough of Manayunk, for the accommodation of various lodges and encampments of the Independent Order of Odd Fellows, established or to be established there; and also to answer the purpose of library and reading room.

Object.

SECTION 4. It shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew as they shall think proper, and shall have and exercise all

Seal.

the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed.

Board of trustees.

SECTION 5. The government of said Odd Fellows hall association, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected at such time and in such manner as the said association shall by its by-laws provide: at the first meeting of the trustees after their election in each year, they shall elect a president, secretary and treasurer.

By-laws.

SECTION 6. The trustees shall have power and authority to make by-laws conformable to this charter, and not in violation of the laws of the United States or of this commonwealth.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 419.

A N A C T

To incorporate the Manheim, Petersburg and Lancaster turnpike or plank road company; and relative to the banking house of Longenecker, Grubb, & Co., at Lewistown.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Shaeffer, David B. Hostetter, Jacob E. Cross, John H. Bossler, John Hostetter, Henry Arndt, Daniel Brandt, A. Bates Grubb, Adam M'Connell, Jacob Singer, George Mullin, Henry Imhoff, Samuel Parker, John Stauffer, Daniel L. Bear, Jacob Zerby, Robert Moderwell, William Gleim, Jacob H. Kurtz, David Hartman, C. B. Grubb, Benjamin Mishler, Emanuel Kauffman, John Michael, Andrew Holtzworth, Emanuel Shober, F. J. Kramph, George W. Hammersly and David Longenecker, are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the style and title of "The Manheim, Petersburg and Lancaster turnpike or plank road company," with power to construct a turnpike or plank road company, commencing at the north end of Prussia street, in the borough of Manheim; thence by the nearest and best route to the village of Petersburg, passing down North street in said village; thence by the nearest and best route to the city of Lancaster, in Lancaster county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day

Style.

Location.

Subject to provisions of certain act.

of January, one thousand eight hundred and forty-nine, and the supplement thereto.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as may be necessary, in their opinion, to carry out the true intent and meaning of this act. Capital stock.

SECTION 3. That the said company shall commence said road within three years, and finish it within the space of ten years, and failing so to do, the provisions of this act shall be null and void. Commencement and completion of road.

SECTION 4. That the operation of the fiftieth section of the act, entitled "An Act regulating banks," approved the sixteenth day of April, A. D., one thousand eight hundred and fifty, be and the same is hereby suspended until April first, one thousand eight hundred and fifty-two, so far as relates to the agency or office already established at Lewistown, under the name of Longenecker, Grubb, & Co. Office of Longenecker, Grubb & Co., at Lewistown, relative to.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 420.

A N A C T

Relative to the duties of justices of the peace in the counties of Beaver, Somerset and Franklin; and to authorize the Coal Hill and Upper St. Clair turnpike road company to extend their road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the peace for the counties of Somerset, Beaver and Franklin shall be required to return to the clerk of the court of quarter sessions of the respective counties, all the recognizances entered into before them, by any person or persons charged with the commission of any crime, (except such cases as may be ended before a justice of the peace under the existing laws,) at least ten days before the commencement of the session to which they are made returnable respectively; and in all cases where any recognizances are entered into less than ten days before the commencement of the session to which they are made returnable, the said justices are required to return the same in the same manner as if this act had not been passed; and any justices of the peace who shall refuse or neglect to comply with the provisions hereof, Justices of the peace within the counties of Somerset, Beaver and Franklin, to make return of recognizances, &c.

Coal Hill and
Upper St. Clair
turnpike com-
pany authorized
to extend their
road.

shall be liable to a fine of twenty dollars, to be recovered as debts of like amount are recovered under existing laws: *Provided*, This act shall not go into effect until the first day of October next.

SECTION 2. That the president and managers of the Coal Hill and Upper St. Clair turnpike road company, incorporated June seventh, one thousand eight hundred and forty-one, be and they are hereby authorized and empowered to extend their road to the Washington county line, and if they shall deem it expedient, to change the same, or any part thereof, into a plank road.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The ninth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 421.

AN ACT

To incorporate the Ocean Mail steam packet company; relative to the Philadelphia loan company; and to authorize Rebecca Large to sell and convey certain real estate.

Corporators.

Style.

Privileges

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Ambrose W. Thompson, Benjamin W. Tingley, William M. Godwin, Stephen R. Crawford, William Craig, William G. Alexander, Davis B. Stacy, James M'Clintock and John L. Linton, and such other persons as may become associated with them, be and they are hereby created and made a body politic and corporate, by the name, style and title of "The Ocean Mail steam packet company;" and the said corporators hereby have full power to fill all the subscriptions to the capital stock, and organize the said company at such time as may to them be proper so to do; and that they further have all the powers and privileges granted to the Philadelphia and Atlantic steam navigation company; and also, that they be and are hereby authorized to increase their capital stock to such an amount as may be necessary, not exceeding three millions dollars, to establish lines of mail steamship packets, for the conveyance of the United States mails from any port in Pennsylvania, and from any port in California, Europe or South America: *Provided*, That nothing in the act referred to or in this act shall be construed to give the company the privilege of trading to any port on the Atlantic coast in the United States, north of Charleston, South Carolina.

SECTION 2. That it shall not be lawful for the directors of the Philadelphia loan company to make any distribution, dividend or payment of the capital stock or funds of said company, until all the certificates of deposit issued by said company or its officers shall be fully settled and satisfied, received and cancelled, by the said directors; and any payment, dividend or distribution of the assets of said company in violation of this law, shall render the directors or other officers making the same, and the stockholders receiving the same, liable for the amount thereof, jointly and severally, to the holder or holders of any such certificate of deposit issued as aforesaid by such company or its officers: *Provided*, That such certificates of deposit be presented by the holders thereof within six months from the passage of this act.

Dividends.

SECTION 3. That Rebecca Large, wife of John Baldwin Large, of the city of Philadelphia, be and she is hereby authorized to convey, assure and dispose of and confirm the title to all or any part of the real estate devised in trust for her by Mrs. Dorothy Large, by her last will and testament, dated the third day of November, A. D. one thousand eight hundred and twenty-seven, duly proved and registered in the office of the register of wills for the city and county of Philadelphia; and also of all or any part of the real estate conveyed to the said Rebecca Large by Sarah Large Mifflin, by deed, dated June twentieth, one thousand eight hundred and thirty-three, recorded in the proper office at Philadelphia, in deed book S H F, No. three, page five hundred and sixty-eight, as fully and effectually in all respects as though the said Rebecca Large were a feme sole, and under no disabilities of coverture.

Rebecca Large
authorized to
convey certain
real estate.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The ninth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 422.

AN ACT

Relative to the pay of the county commissioners of Westmoreland county; and to incorporate the Philadelphia association and reading room.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the county commissioners of Westmoreland county shall in addition to the daily pay now allowed them by law, be entitled to the sum of one dollar for every day that they may be necessarily engaged in transacting the business of the county at any other place than at the county

Additional pay
allowed to the
commissioners of
Westmoreland
county.

seat, such additional pay to be paid out of the county fund and settled in the usual manner.

Corporators.

Style.

Powers.

Proviso.

SECTION 2. That Hymen Gratz, Charles F. Lex, Samuel B. Thomas, John Biddle, M. D., Joseph Swift, and their associates, be and they are hereby created a body corporate and politic, with the name, style and title of "The Philadelphia association and reading room," with authority to elect officers, to establish by laws for their government, and to hold real estate, the yearly value of which shall not exceed three thousand dollars: *Provided*, That nothing herein contained shall be so construed as to authorize said "Philadelphia association and reading room," to do any other act or acts in their corporate capacity than are herein expressed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The ninth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 423.

AN ACT

Annexing certain real estate of George C. Thompson, of Armstrong township, Indiana county, to Centre township, in said county; and to change the time of the annual elections of the Williamsport bridge company.

Certain town-
ship, Indiana
county, enlarged.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the farm of George C. Thompson, situate partly in Armstrong and partly in Centre township, in the county of Indiana, shall be and the same is hereby annexed to the township of Centre, in said county.

Time of election
of Monongahela
and Williamsport
bridge company.

SECTION 2. That from and after June next, the annual election of the company incorporated to erect a bridge over the Monongahela, at Williamsport, shall be held on the second Tuesday of March in each and every year.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 424.

AN ACT

To incorporate the Titusville and Youngsville plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jonathan Watson, William Robinson, Morgan Weed, Peter Zelic, Thomas B. Watson, John M'Kinny, Carter Kinnear, H. P. Kinnear, William Siggins, S. S. Bates, John M. Titus, Philip Mead, second, Chauncey Smith, and such others as may hereafter become associated with them, are hereby declared to be a body corporate in deed and in law, by the name, style and title of "The Titusville and Youngsville plank road company;" and by that name have perpetual succession, and all the privileges and franchises of a corporation, and capable of holding their capital stock and enlarging the same in such manner as they may think proper, and of buying and holding such real and personal estate as may be necessary for the construction of said road, and of suing and being sued, and of pleading and being impleaded, and all other matters and things which a corporation may lawfully do.

Commissioners.

Style.

Privileges.

SECTION 2. That the capital stock of said company shall consist of six hundred shares of twenty-five dollars each share: *Provided,* That said company may from time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act.

Capital stock.

SECTION 3. That the said company shall have power to construct a plank road from Titusville, in Crawford county, to Youngsville, in Warren county, by such route as shall be best and most practicable, and shall have the privilege of intersecting the Titusville and Warren plank road at any point they may think proper, and shall have power to lay the track of said road on any public or private road that shall be deemed necessary; and the directors shall have power to alter, close or vacate any road superseded by said plank road, and shall be subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, excepting so much as is altered by this act, and excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of a greater width than four inches; and the said company shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to the width of wheels in any case.

Location.

Subject to provisions of certain act.

SECTION 4. That when the said company shall have finished three miles or more of said road, the president thereof may give notice to the governor, who shall thereupon do and perform the duties prescribed in the twelfth section of said act of the twenty-sixth day of January, one thousand eight hundred and forty-nine.

Letters patent.

SECTION 5. That the said company shall have power to connect with the Meadville, Allegheny and Brokenstraw plank road, or any other plank road running along the valley of the Brokenstraw, at or near Youngsville, or continue the same to Warren.

May connect with Meadville, Allegheny and Brokenstraw plank road.

Election of officers.

SECTION 6. That whenever one hundred shares shall be subscribed of twenty-five dollars each, any three stockholders may call a meeting by putting up written or printed notices in at least four of the most public places along said contemplated road, for the election of one person as president, and four persons as directors, who shall form an executive board; and one person as treasurer and one person as superintendent, who shall hold their office for the term of one year, and until their successors are elected.

Commencement and completion of road.

SECTION 7. That if the said company shall not commence the construction of the said road within three years after the granting of this charter, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 425.

AN ACT

Extending Pickering street, in the borough of Brookville, Jefferson county, Pennsylvania; and incorporating the Graphic association of Philadelphia.

Pickering street, in Brookville, extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Pickering street, in the borough of Brookville, Jefferson county, Pennsylvania, be and the same is hereby extended from the south-east corner of the bridge over Red Bank creek, in said borough, south along the west side of the out lots until the same shall strike the aforesaid creek; that part so extended to be thirty-five feet in width.

Commissioners.

SECTION 2. That E. Heath, J. B. Evans and Philip Taylor, be and they are hereby appointed commissioners to survey and lay out the aforesaid street.

Incorporate.

SECTION 3. That the members of the association called the Graphic association of Philadelphia, and all such persons as now are or may be hereafter admitted members of said association, shall be and they are hereby declared a body politic and corporate by the name and style of "The Graphic association of Philadelphia," to have perpetual succession, and be capable to take, hold and enjoy lands, tenements and hereditaments; to use a common seal, and to break, alter or renew the same at pleasure: *Provided*, That the clear yearly value of the real estate by them held, shall not exceed three thousand dollars.

Style.

Privileges.

Proviso.

SECTION 4. That the officers of the said corporation shall consist of a president, treasurer and secretary, to be chosen annually by ballot on the second Thursday in November; if an election shall not be held at the time appointed, the corporation shall not for that cause dissolved, but an election shall be held as soon afterwards as may be, and until such election the officers in place shall continue to act; the present officers, viz: president Peter F. Rothermel, treasurer Samuel B. Waugh, secretary Abraham Woodside, shall continue to hold and exercise their respective offices.

Elect officers annually.

If election not held, corporation not dissolved.

Present officers continued.

SECTION 5. That the powers and duties of the officers herein mentioned, and of all others who may be hereafter appointed, the time of meeting of the said corporation, the admission of new members and the other concerns of said corporation, shall be regulated by the by-laws and ordinances of said corporation.

May make by-laws.

J. S. McCALMONT,
Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 426.

AN ACT

To incorporate the Ebensburg and Susquehanna plank road company; and relative to the claim of Robert Lytle; and to an election district in Huntingdon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Johnston Moore, Edward Shoemaker, John Williams, Ezekiel Hughes, Patrick M'Coy, James Murray, Charles Litzinger, Robert L. Johnston, James Myers, Francis Bearer, David R. Kinports, Peter Garman, junior, John P. Urban, Jacob Luther and Isaac Gifford be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Ebensburg and Susquehanna plank road company," with power to construct a plank road from Ebensburg, in Cambria county, to some point on the Susquehanna river, at or near the Cherry Tree, in said county, by the nearest and best route or routes as the stockholders or directors may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, so far as they are not inconsistent with this and the following sections.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. The capital stock of said company shall consist of one thousand shares, of twenty-five dollars per share: *Provided, That* said

Capital stock.

company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, and to carry out the true intent and meaning of this act.

Commencement
and completion of
road.

SECTION 3. That if said company shall not commence the construction of their road within three years after the granting of this charter, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Canal commis-
sioners author-
ized to examine
the claim of
Robert Lytle.

SECTION 4. That the canal commissioners be and they are hereby authorized and required to examine the claim of Robert Lytle, for cars and lumber said to have been destroyed on plane number eight, on the Allegheny Portage railroad, on the ninth day of April, Anno Domini, one thousand eight hundred and forty-nine, and report the facts to the next legislature.

Franklin town-
ship, Huntingdon
county, place of
holding elections
in, changed.

SECTION 5. That the qualified voters of Franklin township, Huntingdon county, shall hereafter hold their general and township elections at the school house in the village of Mechanicsville, in said township.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 427.

AN ACT

To provide for the ordinary expenses of government, the repair of the public canals and railroads, and other general and special appropriations.

Appropriation,
object of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, one thousand eight hundred and fifty, to be paid out of any money in the treasury not otherwise appropriated.

Salary of execu-
tive and other
departments.

SECTION 2. For the salary of the governor three thousand dollars; for the salary of the secretary of the commonwealth twelve hundred dollars, and the further sum of five hundred dollars to be paid to him as superintendent of common schools; for the salary of deputy secretary of the commonwealth twelve hundred dollars from the first day of June next, and for increase of salary up to the said first day of June next the sum of sixty-three dollars and eighty-three cents; for the salary of the auditor general seventeen hundred dollars from the first day of May,

one thousand eight hundred and fifty, and for increase of salary up to the said first day of May, one thousand eight hundred and fifty, the sum of three hundred and seventeen dollars and twenty-six cents; and for the salary of the surveyor general fourteen hundred dollars from the tenth day of May, one thousand eight hundred and fifty, and for increase of salary up to the said tenth day of May, one thousand eight hundred and fifty, the sum of fifty-five dollars and eighty-three cents; for the salary of the attorney general three hundred dollars; for the salary of the adjutant general three hundred dollars; for the salary of the state treasurer seventeen hundred dollars from the sixth day of May, one thousand eight hundred and fifty, and for increase of salary up to the said sixth day of May, one thousand eight hundred and fifty, the sum of three hundred and twenty-two dollars and nineteen cents; for clerk hire in the state department three thousand dollars, and the further sum of one thousand five hundred dollars for recording acts not now recorded, passed previous to the year one thousand eight hundred and forty-nine; for clerk hire in the auditor general's office five thousand five hundred dollars; for clerk hire in the state treasurer's office three thousand two hundred dollars; for clerk hire in the surveyor general's office five thousand dollars; for the salary of the state librarian five hundred dollars.

Clerk hire in departments.

SECTION 3. For the payment of the contingent expenses of the executive and state departments, including the department of common schools, to wit: for the pay of the messenger eight hundred dollars; for stationery five hundred and fifty dollars; for postage fifteen hundred dollars; for fuel and light sixty dollars; for cleaning offices and chambers twenty five dollars.

Contingent expenses of executive and state departments.

SECTION 4. For the payment of the contingent expenses in the auditor general's office, to wit: for postage four hundred and fifty dollars; for the pay of messenger three hundred and fifty dollars; for stationery two hundred and fifty dollars; for blank books sixty dollars; for fuel and lights eighty dollars; for miscellaneous expenses fifty dollars; and that the sum of thirty-five dollars be and is hereby appropriated to R. D. M'Kee, extra clerk hire in the auditor general's office.

Contingent expenses of auditor general's office.

SECTION 5. For the payment of the contingent expenses in the state treasurer's office, to wit: for postage three hundred dollars; for stationery and blank books one hundred and sixty dollars; for fuel and lights sixty dollars; for messenger and night watch four hundred dollars; for miscellaneous expenses fifty dollars.

Contingent expenses of treasurer's office.

SECTION 6. For the payment of the contingent expenses in the surveyor general's office, to wit: for the pay of messenger three hundred and sixty dollars; for stationery and books two hundred dollars; for washing and scrubbing thirty-five dollars; for postage one hundred and seventy-five dollars; for repairs and miscellaneous expenses thirty-five dollars; for fuel and lights seventy dollars; for painting the two offices one hundred dollars; and for a new seal and press one hundred dollars.

Contingent expenses of surveyor general's office

SECTION 7. For the payment of the expenses of the legislature, including the pay of members, clerks, officers, and contingent expenses, ninety-five thousand dollars; and so much thereof as may be necessary to pay the deficiency in the appropriation of last year.

Legislative expenses.

SECTION 8. For the public printing, folding, stitching and binding, twenty-five thousand dollars.

Printing.

SECTION 9. For publishing the laws in newspapers one hundred dollars; and for packing and distributing the laws and journals of the legislature seven hundred dollars; the packing and distributing of the said laws and journals to be assigned by the secretary of the commonwealth

Publishing and distributing laws.

to the person or persons who shall make the lowest and best bid, and give adequate security for the packing and distribution thereof.

SECTION 10. For keeping in repair and improving the public grounds two hundred dollars; and for ordinary repairs of the public buildings six hundred dollars, to be disbursed by the secretary of the commonwealth and surveyor general, whose accounts for the disbursement of of the same, shall be settled in the usual manner; and for the state library five hundred dollars, to be disbursed under the direction of the joint committee on the library, by the chairman thereof; the accounts of such disbursement to be settled on or before the first day of June, in the year one thousand eight hundred and fifty-one, in the usual manner.

SECTION 11. For the payment of the borough of Harrisburg for supplying the public buildings with water, as per act of the twenty eighth day of April, one thousand eight hundred and forty, six hundred dollars.

SECTION 12. For miscellaneous objects two thousand dollars, and for the payment of the publication of the proposed amendment to the constitution of the commonwealth, relative to the election of judges, the sum of two thousand dollars in addition to the sum of fifteen hundred dollars appropriated by the act of the tenth day of April, one thousand eight hundred and forty-nine; and to defray the expense of advertising the same proposed amendment during the present year there is hereby appropriated for the city and county of Philadelphia, an amount not exceeding sixty dollars; for the county of Allegheny, an amount not exceeding sixty dollars, and for each other county of the state respectively, an amount not exceeding forty dollars: *Provided*, That the sums appropriated by this section may be paid at any time from and after the passage of this act.

SECTION 13. For the support of the common schools, two hundred thousand dollars, as provided in the common school law, to be paid on warrants drawn by the superintendent of common schools in favor of the accepting school districts of the commonwealth, in proportion to the number of taxable inhabitants in each: *Provided*, That the several school districts which were non-accepting but were made accepting districts by an act to provide for the ordinary expenses of government, the repairs of canals and railroads belonging to the state, and the payment of other claims upon the commonwealth, passed the eleventh day of April, one thousand eight hundred and forty-eight, and which did not avail themselves of the provisions of said act, nor of the provisions of the act, entitled "An Act to provide for the ordinary expenses of the government, the repairs of the canals and railroads of the commonwealth, and the payment of other claims due by the same," passed April tenth, one thousand eight hundred and forty nine, shall have the privilege of doing so by complying with the provisions of the act first above referred to, by levying and assessing a tax as required by law to enable school districts to receive their portion of the state appropriation any time before the first day of June, one thousand eight hundred and fifty-one.

SECTION 14. For the payment of pensions and gratuities twenty thousand dollars.

SECTION 15. For the House of Refuge of Philadelphia, six thousand dollars, for the Pennsylvania Institution for the Instruction of the Blind, nine thousand dollars, for the instruction of indigent pupils in the Pennsylvania Institution for the Deaf and Dumb, fifteen thousand dollars, and for balance now due for educating Pennsylvania state pupils in said last mentioned institution, seven hundred and sixty-seven dollars and eighty-five cents.

SECTION 16. For the payment of the salaries of officers in the Eastern Penitentiary, eight thousand dollars; for the payment of salaries of officers in the Western Penitentiary, six thousand dollars: *Provided*, That the amount of salaries to be paid to said officers shall be fixed by the respective boards of inspectors, and shall in no case exceed the rates allowed prior to the act of the seventeenth of April, one thousand eight hundred and forty-three; for the payment of gratuities to convicts discharged from the said penitentiaries, one thousand dollars, two thirds of which said sum shall be appropriated to the Eastern, and the remaining third to the Western penitentiary, and for the payment of repairs to the Western penitentiary, four thousand one hundred and sixty-seven dollars and fifty-four cents.

Salaries of officers of Eastern and Western Penitentiaries.
Proviso.

Gratuities to discharged convicts.
Repairs.

SECTION 17. For the payment of the expenses of the judiciary, to wit: for the salary of the chief justice of the supreme court, three thousand and sixty six dollars and sixty-six cents; for the salaries of each of the associate justices of said court whose commissions bear date subsequent to the seventeenth day of April, one thousand eight hundred and forty three, sixteen hundred dollars; for the salary of one associate justice of the said court whose commission bears date prior to the said seventeenth day of April, one thousand eight hundred and forty three, two thousand four hundred dollars; for the daily pay of the justices of the said court, five thousand five hundred dollars: *Provided however*, That the said justices shall not be allowed their daily pay, except for the days employed in traveling and the performance of their judicial duties while actually at court.

Judiciary.

Proviso.

For the payment of the salaries of the president and three associate justices of the first judicial district, ten thousand four hundred dollars.

For the salaries of the president and two associate justices of the district court for the city and county of Philadelphia, six thousand dollars.

For the salary of the president judge of the second judicial district, two thousand dollars, and the further sum of twenty-five hundred and fifty dollars as the balance of salary due to him as such president judge from the fourteenth day of January, one thousand eight hundred and forty-three, to the first day of June, one thousand eight hundred and forty-nine; and so much of an act relative to the records of the district court of the city and county of Lancaster, as authorizes the said judge to receive, for the trial and decision of the unfinished business of the district court and mayor's court, the compensation now allowed by law to other president judges for holding special courts, be and the same is hereby repealed.

For the salary of the president judge of the third judicial district, sixteen hundred dollars.

For the salary of the president judge of the fourth judicial district, two thousand dollars.

For the salary of the president judge of the fifth judicial district, two thousand dollars.

For the salary of the president judge of the sixth judicial district, sixteen hundred dollars.

For the salary of the president judge of the seventh judicial district, sixteen hundred dollars.

For the salaries of the president and associate judges of the district court for the county of Allegheny, four thousand dollars.

For the salary of the president judge of the eighth judicial district, sixteen hundred dollars.

For the salary of the president judge of the ninth judicial district, sixteen hundred dollars.

For the salary of the president judge of the tenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the eleventh judicial district, sixteen hundred dollars.

For the salary of the president judge of the twelfth judicial district, sixteen hundred dollars.

For the salary of the president judge of the thirteenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the fourteenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the fifteenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the sixteenth judicial district, two thousand dollars.

For the salary of the president judge of the seventeenth judicial district, two thousand dollars.

For the salary of the president judge of the eighteenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the nineteenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the twentieth judicial district, two thousand dollars.

For the salary of the president judge of the twenty-first judicial district, sixteen hundred dollars.

For the salary of the president judge of the twenty-second judicial district, sixteen hundred dollars.

For the salary of the president judge of the twenty-third judicial district, sixteen hundred dollars.

For the salary of the president judge of the twenty-fourth judicial district, sixteen hundred dollars.

For the payment of mileage to the president judges of the several judicial districts, five thousand five hundred dollars.

For the payment of the salaries and mileage of the associate judges of the several counties of this commonwealth, sixteen thousand five hundred dollars.

J. B. Gibson,
balance of salary
due.

For the payment of the balance of salaries due John Bannister Gibson as chief justice of Pennsylvania from the first day of June, one thousand eight hundred and forty-six, to the first day of June, one thousand eight hundred and forty-eight, eight hundred and three dollars.

Thomas Sergeant,
balance
due.

For the payment of the balance of salaries due Thomas Sergeant as one of the associate justices of the supreme court from the first day of June, one thousand eight hundred and forty-six, to the first day of October, one thousand eight hundred and forty-six, one hundred and thirty-three dollars and thirty-three cents.

T. S. Bell, balance
due.

For the payment of the balance of salaries due Thomas S. Bell, as late president judge of the fifteenth judicial district from the first day of June, one thousand eight hundred and forty-six, to the eighteenth day of November, one thousand eight hundred and forty-six, and for taxes retained, two hundred and eighty-nine dollars and eighty-eight cents.

Domestic creditors.

SECTION 18. For the payment of interest on certificates issued to domestic creditors five thousand dollars.

Guaranty of
Pottsville and
Danville railroad,
and Bald Eagle
and Spring
Creek navigation
company.

SECTION 19. For the payment of the guaranty to the Pottsville and Danville railroad company, by the act of seventh day of April, one thousand eight hundred and thirty-four, eight thousand five hundred dollars; for the payment of so much as shall be due on the guaranty to the Bald Eagle and Spring Creek navigation company by the act of the seventh of April, one thousand eight hundred and thirty-five, ten thou-

sand dollars; for the payment of so much as shall be due on the guaranty to the Tiega navigation company by the act of seventh of April, one thousand eight hundred and thirty-five, seven thousand five hundred dollars, or so much thereof as may be necessary: *Provided*, That the sums hereby appropriated shall not be paid until the semi-annual interest on the funded debt of the commonwealth due on the first day of August, shall have been paid in full.

SECTION 20. For the payment of militia expenses, including salaries of brigade inspectors incurred prior to the seventeenth of April, one thousand eight hundred and forty-nine, five thousand dollars, no part of which shall be paid to the said brigade inspectors, or any of them, until they shall have settled their accounts as directed by law; and that the militia fines assessed and collected in the counties of Carbon and Adams for the year one thousand eight hundred and forty-nine, are hereby refunded to said county.

SECTION 21. For the payment of the interest of the funded debt of the commonwealth, which will fall due on the first day of August next, and the first day of February, one thousand eight hundred and fifty-one, the sum of two millions of dollars, or so much of the same as may be necessary; and the state treasurer is hereby authorized, if it shall be necessary for the payment of the interest on the said funded debt falling due on the said first day of August next, to negotiate a loan for a sum not exceeding two hundred thousand dollars, upon the same terms and conditions as were provided for by the second section of the act, entitled "An Act to provide for the ordinary expenses of government, the repairs of the canals and railroads belonging to the State, and the payment of other claims upon the commonwealth," passed the eleventh day of April, one thousand eight hundred and forty-eight.

SECTION 22. For the payment of debts, for the repairs and improvements, and motive power on the canals and railroads of the commonwealth due previous to the first day of December, one thousand and eight hundred and forty-eight, sixty-eight thousand eighty-seven dollars and sixty-four cents, to be applied as follows, to wit:

To the upper Juniata division fifty-three thousand eight hundred and twelve dollars twenty-three cents.

To the West Branch division one thousand four hundred eighty-three dollars forty-nine cents.

To the North Branch division one thousand dollars.

To the Columbia railroad two thousand three hundred forty-three dollars eighty one cents.

To motive power debts on Columbia road six thousand one hundred and sixty-four dollars.

To motive power debts on Portage railroad three thousand two hundred eighty-four dollars eleven cents.

SECTION 23 For the ordinary and extraordinary repairs and improvements of the canals and railroads belonging to the commonwealth, for the year ending the first day of December, one thousand eight hundred and fifty, the sum of one hundred and seventy-five thousand eight hundred and forty-two dollars ninety cents, in addition to the sum of one hundred and twelve thousand dollars appropriated for repairs after the first day of December, one thousand eight hundred and forty-nine, by the act of the tenth day of April, Anno Domini, one thousand eight hundred and forty-nine, to be appropriated as follows, to wit:

For the Columbia railroad, fifty-one thousand eight hundred dollars.

For the Allegheny Portage railroad, forty thousand five hundred dollars.

For the Eastern division, seven thousand and fifty dollars and ninety cents.

For the Lower Juniata division, five thousand dollars.

For the Upper Juniata division, twelve thousand eight hundred and three dollars.

For the Upper Western division, six thousand seven hundred and eighty-five dollars.

For the Lower Western division, seven thousand nine hundred and fifty-four dollars.

For the Delaware division, twenty-seven thousand five hundred dollars.

For the Susquehanna division, five thousand eight hundred and twenty-five dollars.

For the West Branch division, five thousand six hundred and twenty-five dollars.

For the North Branch division, five thousand dollars.

Ordinary repairs
after 1st Dec.
next.

Proviso.

SECTION 24. For ordinary repairs to be made after the first day of December next, one hundred and twelve thousand dollars: *Provided*, That no part of the said sum of one hundred and twelve thousand dollars shall be expended before the said first day of December next, except so much of the same as may be necessary for the purchase and preparation of materials for executing repairs after such period.

Motive power.

SECTION 25. For motive power expenses for the year ending the thirtieth day of November, one thousand eight hundred and fifty, the sum of three hundred and thirteen thousand nine hundred and fifty-nine dollars and eighty-seven cents, in addition to the sum appropriated to this purpose by the act of tenth day of April, Anno Domini, one thousand eight hundred and forty-nine, of twenty-three thousand seven hundred and thirty dollars thirteen cents; such sum now appropriated to be applied as follows:

To the Philadelphia and Columbia railroad, one hundred and fifty-three thousand nine hundred and fifty-nine dollars and eighty-seven cents.

To the Allegheny Portage railroad, including the purchase of two new engines and a passenger car, one hundred and sixty thousand dollars.

Motive power af-
ter 1st Dec.,
1850.

SECTION 26. For motive power expenses from the first day of December, one thousand eight hundred and fifty, to the first day of April, one thousand eight hundred and fifty-one, seventy thousand dollars, to be appropriated as follows:

Proviso.

To the Philadelphia and Columbia railroad, fifty thousand dollars: *Provided*, That the superintendent of the said railroad shall not be entitled to draw from the treasury under the appropriations contained in this act, a greater amount than twenty thousand dollars, unless his accounts for previous disbursements shall have been settled in full.

To the Allegheny Portage railroad, twenty thousand dollars.

Collectors, &c.

SECTION 27. For the payment of collectors, toll-gatherers, weighmasters, inspectors, lock keepers, and the incidental expenses of their offices, until the first day of April, one thousand eight hundred and fifty-one, eighty-five thousand dollars.

Canal commis-
sioners and ex-
penses of office.

SECTION 28. For the payment of the canal commissioners and the expenses of their offices, five thousand nine hundred and forty-five dollars, to be appropriated as follows: for compensation of canal commissioners, four thousand three hundred and eighty dollars; for compensation of the secretary, one thousand dollars; for the messenger, one hundred dollars; for postage, two hundred and sixty-five dollars; for stationery and advertising, one hundred dollars; for lights, cleaning and repairs of office, and miscellaneous expenses, one hundred dollars: *Provided*, That from and after the first day of June next, the compensation of the canal commissioners shall be four dollars per diem.

Proviso.

SECTION 29. For the payment of debts contracted for repairs during the fiscal year ending the thirtieth day of November, one thousand eight hundred and forty-nine, twenty-five thousand two hundred and three dollars and two cents, appropriated as follows, namely: for the Delaware division, three thousand four hundred and fifteen dollars forty five cents; for the Eastern division, one thousand five hundred and fifty-four dollars sixty-one cents; for the Lower Juniata division, one thousand six hundred and twenty-five dollars; for the Lower Western division, one thousand three hundred and sixty-seven dollars and twenty-six cents; for the Portage railroad, thirteen thousand four hundred and sixty-four dollars and seventy cents; for the Philadelphia and Columbia railroad, three thousand seven hundred and seventy-six dollars; for motive power debts contracted during the said last-mentioned fiscal year, on the Allegheny Portage railroad, the sum of six thousand three hundred and eighty-eight dollars and eighty-eight cents; and in addition to the sum mentioned in this section, the sum of thirteen hundred and seventy dollars for the payment of motive power debts on the Philadelphia and Columbia railroad, incurred during the year one thousand eight hundred and forty-nine.

Debts for repairs
for year ending
Nov. 30, 1849.

SECTION 30. For the repair of any damage which may be done to any portion of the public works by flood or fire, the sum of fifty thousand dollars: *Provided*, That before any part of said sum shall be drawn from the treasury, the canal commissioners shall certify to the state treasurer and the auditor general the nature and extent of such damages, and the amount, as near as may be, that will be required to repair the same; and if the state treasurer and auditor general shall concur in the necessity of making such repairs, the amount required for that purpose, not exceeding the sum hereby appropriated, may be advanced to the proper disbursing officer.

Damages by flood
or fire.
Proviso.

SECTION 31. For the repair of farm bridges over the canals and railroads, the sum of fifteen thousand dollars; for a new and enlarged weigh-scale at Lancaster, fourteen hundred dollars; for the purchase, from Henry A. Landry, the right to use his patent safety frogs on the state railroads, one thousand dollars.

Farm bridges.

SECTION 32. For the purpose of completing the Western reservoir, the sum of forty-five thousand dollars.

Western reservoir.

SECTION 33. For the completion of the North Branch canal, the sum of two hundred and fifty thousand dollars, in addition to the sum of one hundred and fifty thousand dollars already appropriated, and in lieu of the appropriations for the current year under the provisions of the act of the tenth day of April, one thousand eight hundred and forty-nine, in pursuance of the report of the auditor general and state treasurer to the governor, made on the fourteenth day of August last: *Provided*, That nothing herein contained shall be construed to authorize any increase of the state debt, and if in the opinion of the auditor general and state treasurer, there is likely at any time to be a deficiency in the revenues of the commonwealth to meet the interest of the state debt, the ordinary expenses of government and the repairs of the canals and railroads heretofore completed, it shall be their duty to withhold all or so much of the appropriation made by this act to the said North Branch canal as shall be requisite for those objects.

North Branch
canal.

Proviso.

SECTION 34. That there shall be paid for the use of the commonwealth, one cent per ton per mile on all anthracite coal carried northward upon what is now the unfinished portion of the North Branch canal, when the same shall be completed, to be continued until the cost of the construction of said canal shall have been re-paid therefrom, said

A tax on coal
carried north-
ward on North
Branch.

toll to be collected and paid into the state treasury as other tolls on the public works are collected and paid.

Extraordinary repairs on inclined planes.

SECTION 35. There is also hereby appropriated for extraordinary repairs on the inclined planes on the Allegheny Portage railroad, the sum of thirty-four thousand dollars, and the further sum of three thousand five hundred dollars to defray the expense of an accurate survey of a route to avoid the five western, and as many of the eastern inclined planes as may be practicable; the canal commissioners are hereby authorized to employ a competent engineer to conduct said survey, and superintend the completion of the Western reservoir, whose salary shall not exceed two thousand dollars, to be paid out of the last preceding appropriation.

Repeal of act prohibiting canal commissioners changing rates of toll.

Proviso.

SECTION 36. That so much of the act of the twenty-second of April, one thousand eight hundred and forty-six, entitled "An Act fixing the time for the adoption and publication of tolls on public works," as prohibits the board of canal commissioners from changing the rates of toll after the publication of the toll list on the first day of January, be and the same is hereby repealed: *Provided*, That no change in the rates of toll shall be made by the canal commissioners where the same are fixed by law: *Provided further*, That the canal commissioners shall not increase the rates of toll fixed at the commencement of the year.

Repair of schute of Shamokin dam.

SECTION 37. For repairing and putting in order the schute of the Shamokin dam on the Susquehanna division, two thousand dollars, or as much thereof as may be required to repair the same.

Canal commissioners authorized to sell useless personal property.

SECTION 38. That the canal commissioners be and they are hereby authorized to sell either at public or private sale, as to them may seem most advantageous to the commonwealth, all the personal property on or along the lines of canals and railroads which may have become useless, and is no longer required for the interest of the public, the proceeds of such sale or sales to be paid into the treasury; and they are also hereby authorized to sell at public sale, the old depot in the borough of Columbia, on giving due public and timely notice of the time and place of such sale; the proceeds to be paid into the treasury and applied on the warrant of said canal commissioners to the purchase and completion of a new depot at or near the lower end of the said borough of Columbia, for which purpose the sum of ten thousand dollars is hereby further appropriated.

Canal commissioners authorized to sell real estate and old materials, of Schuylkill inclined plane.

SECTION 39. That the canal commissioners be and they are hereby authorized at any time after the tenth day of July next, to give notice by at least three weeks' publication in two daily newspapers published in the city of Philadelphia, that the Schuylkill bridge and all that part of the state railroad lying east of the inclined plane, together with all the real estate and old materials upon the part of the Philadelphia and Columbia railroad, rendered useless by the new road to avoid the Schuylkill inclined plane, will be for sale; and the said commissioners in such notice shall name some definite period up to which they will receive sealed proposals for the purchase of such property or any part of the same, together with a statement of the price proposed to be given therefor; upon examination of said proposals, if the terms and prices of any of them be satisfactory to said commissioners, they are then hereby authorized, upon receiving payment of the proposed price, or security therefor according to the terms offered, to convey the property so to be purchased, to the bidder or bidders to whom the same shall be allotted; but if none of said proposals be satisfactory to said commissioners, they may then sell the said property either at public or private sale, as they may judge to be proper, giving due notice of the same, for the highest and best price and upon the most favorable terms exceeding such afore-

mentioned proposals as they may be able to procure; possession to be given whenever the said new road to avoid the Schuylkill inclined plane shall have been completed; the proceeds of such sale to be paid into the state treasury and applied on the warrant of the said canal commissioners as the same may be required, for the purposes of re-laying a second track on said railroad for the distance of six miles from Columbia to the intersection of the old road, and to straighten such short curves and re-lay such portions of said Philadelphia and Columbia railroad as the said commissioners may deem most necessary: *Provided*, That that portion of the Columbia and Philadelphia railroad lying east of the foot of the inclined plane near Philadelphia, including the bridge over the river Schuylkill, shall not be sold for a less sum than two hundred thousand dollars; and the canal commissioners, if the said road should not be sold, are hereby required to make such repairs and arrangements, and adopt such charges for tolls for the use of the same as to them may seem proper: *Provided further*, That on such parts of the aforesaid railroad as may be re-laid, the tracks shall be laid six feet apart: *And provided further*, That if the said bridge and railroad lying east of the foot of said inclined plane shall be purchased by any persons other than an incorporated railroad company, the governor is hereby authorized to issue letters patent conferring upon such persons all the rights, privileges and immunities of a body corporate or politic, subject to all the provisions and restrictions of the act regulating railroad companies, passed the nineteenth day of February, eighteen hundred and forty-nine, with a capital stock not exceeding five hundred thousand dollars, divided into shares as provided by said act: *And provided further*, That the rates of toll to be charged upon said road shall never exceed the rates authorized to be charged upon the Reading railroad, and in levying said tolls the bridge over the Schuylkill shall be estimated as one mile of road.

SECTION 40. That the said canal commissioners be further authorized to sell and dispose of, either at public or private sale, so many of the light class engines now belonging to the commonwealth, as may be sold consistently with the public interests, and apply the proceeds thereof to the purchase of as many first class engines as may be procured with the same.

Authorized to sell light class engines.

SECTION 41. That the canal commissioners shall hereafter, in their annual report to the legislature, furnish, in tabular form or otherwise, a detailed statement of the names of all persons, except daily laborers, dealing with their disbursing officers, and the respective amounts of each disbursement; and said disbursing officers are hereby required to keep accurate accounts of the same, and return the same to the canal commissioners.

To report names of persons dealing with disbursing officers.

SECTION 42. That the canal commissioners be and they are hereby authorized and directed to revise the rates of toll now charged, so as to abolish the distinctive charges now made as motive power tolls or charges; and hereafter the same shall be included and merged in road tolls.

To revise rates of toll.

SECTION 43. That there is hereby appropriated for the purpose of completing the asylum for the insane poor of this commonwealth, called the Pennsylvania State lunatic hospital, the sum of fifty thousand dollars, to be paid by the state treasurer on warrants drawn by the governor in favor of the commissioners named in the act to establish said asylum and its supplement: *Provided*, That no greater sum than ten thousand dollars shall be drawn from the treasury at any one time, or until the said commissioners shall have accounted at the treasury department for the amount drawn.

Pennsylvania State lunatic asylum.

Proviso.

SECTION 44. That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter mentioned for the year commencing on the first day of June, one thousand eight hundred and fifty, to be paid out of any money in the treasury not otherwise appropriated.

Damages awarded by canal commissioners.

For damages awarded by the canal commissioners in pursuance of existing laws, the following sums, to wit:

To Kenny, Nugent and Lamont, two thousand three hundred and eighty-five dollars.

To Jesse Coats forty-seven dollars.

To James Yearsly seventy-eight dollars and thirty seven cents.

To George Shuman eighty-five dollars.

To Frank and Bear one thousand dollars.

To John Steel two hundred and seventy-five dollars.

To Margaret M'Ellips sixty-two dollars and fifty cents.

To A. C. McCully one hundred dollars.

To Jesse Moore forty-one dollars and fifty cents.

To John H. Brooks forty six dollars and thirteen cents.

To J. C. Oliver and M. A. Gamble, contractors for clearing the Eastern reservoir balance due them, being the amount over and above former appropriations now in the treasury, one thousand and ninety-four dollars and fifty cents.

To Margaret F. Brady three hundred dollars as per award of canal commissioners.

To H. E. Atkins and company for injury to cars at the Valley Creek aqueduct three hundred and twenty-five dollars.

To J. C. O'Neal for injury to coal and cars on the Allegheny Portage railroad five hundred and twenty-five dollars.

To Bingham and Dock for cars and merchandize destroyed by fire on the Allegheny Portage railroad, seven thousand and forty-seven dollars and seventy-five cents, to be paid on the warrant of the auditor general, upon satisfactory proof being made to him that said Bingham and Dock have sustained damages by said fire equal to the amount hereby appropriated.

The following sums are also hereby appropriated:

To Isaac Pauling for blacksmith work on the Philadelphia and Columbia road, as ascertained by the auditor general, forty-seven dollars and forty-three cents.

To the school directors of Muncy township, Lycoming county, the balance of state appropriation for school purposes, for the year one thousand eight hundred and forty-nine, still due to the said township, forty-three dollars.

To the treasurer of the Lycoming township school district, in Lycoming county, the sum of one hundred and twenty one dollars and fifty-five cents, being the amount due said district for school year eighteen hundred and forty-nine.

To Bogle, Hall and Bogle three hundred and fourteen dollars and nineteen cents, in full for balance due them for work done on section No. sixty-five on the Tunkhannock line of the North Branch canal, said sum having been awarded them by the auditor general.

To John Piatt, sergeant-at-arms of the house of representatives, seventy dollars and fifty cents for serving subpoenas on witnesses, including mileage, in the matter of the investigation into the official conduct of the state treasurer.

To Lewis Logue and John Bender, as a compensation for arresting and bringing to trial George R. Null, a fugitive from justice, under charge of murder, fifty dollars each, making one hundred dollars.

To Isaac Knight, of Baltimore, two thousand dollars, for compensation for the use of the commonwealth of his patented improvement in the journals, boxes, bearings and axles of railroad trucks and cars, as per award of canal commissioners, in pursuance of the act of the eleventh of April, one thousand eight hundred and forty-eight.

For Jesse Miller, as compensation for preparing, for the use of the commonwealth, a digest of the tax laws, fifty dollars.

To Daniel Bemus, in full for the amount of the award of damages made by the canal commissioners in his favor, under an act passed the sixteenth day of April, one thousand eight hundred and forty-nine, said damages having happened in consequence of the breaking away of the embankments connected with a dam on the French Creek reeder, in July, one thousand eight hundred and thirty-seven, the sum of eight thousand dollars: *Provided*, That before the said amount shall be paid, the said Daniel Bemus shall execute a full and clear release to the commonwealth, for all damages occasioned by the flood of one thousand eight hundred and thirty-seven, or which have since accrued by reason of the reduction of the height of said dam, or from any other source.

To major general Reuben C. Hale, fifty dollars; to brigadier general Samuel D. Karns, fifty dollars; and to brigadier general James G. Reed, fifty dollars, in full for their compensation, pay and mileage as members of a court detailed by the adjutant general to try the contested election for major general of the fifteenth division, Pennsylvania militia; and to the said general James G. Reed, the further sum of twenty-five dollars, in full compensation for his services as recorder of said court.

To John G. Youngman, late recorder of deeds of Northumberland county, for copies of records made for the commonwealth, forty-six dollars and sixty-six cents.

To David Shannon, for amount of costs in the case of the commonwealth against the sureties of B. G. Goll, brigade inspector of the first brigade, sixteenth division, a sum not exceeding ninety five dollars, the account being first examined and settled by the auditor general and state treasurer.

To the Phoenix Line passenger car company, for injury to their cars by collision on the Columbia railroad, four hundred and seventy six dollars and eighty-seven cents.

To Steman and Herr, for the destruction of their warehouses on the same railroad, by fire from sparks of locomotive engine, seven hundred and seventy-four dollars; and to Jacob F. Herr, for the loss of his personal property by the same fire, four hundred thirty-one dollars and seventy-four cents.

To Adolphus Patterson, for his claim for boat and loading destroyed in a lock on the Juniata division, fifteen hundred sixty-five dollars and twenty seven cents.

To Johnson, Hepburn and Heylman, for balance due them on section, number twenty-two, Tioga division of the North Branch canal, two hundred thirty-one dollars and sixty-six cents: *Provided*, That the appropriation made on the tenth of April, one thousand eight hundred and forty-nine, for the same object, be and the same is hereby repealed.

To Shirk and Royer, for amount due them on damages from the burning of their warehouses in Lancaster, occasioned by sparks from a locomotive, three hundred and eighty-three dollars.

To Samuel Kerr, late supervisor of the Beaver division of the Pennsylvania canal, the amount of his claim upon the commonwealth as

stated by the auditor general, in pursuance of the act of the fifteenth day of April, one thousand eight hundred and fifty, the sum of six hundred dollars.

To William H. Irwin, adjutant general, for preparing and compiling regulations for the uniformed militia of Pennsylvania, under the twentieth section of the militia law of one thousand eight hundred and forty-nine, the sum of two hundred dollars.

To Robert Klotz, late register and recorder of Carbon county, an over-payment made by him to the commonwealth, as ascertained by the settlement of his accounts by the auditor general, the sum of seventy-two dollars nineteen cents.

To Peter Hand, for damages to his section boat by collision on the Philadelphia and Columbia railroad, one hundred and twenty-five dollars.

To Isaac Smith and company, for the use of water to supply the West Branch canal at the Loyalseck mills, in the year one thousand eight hundred and forty-eight, six hundred and eighty dollars.

SECTION 45. To George Hogg & Co., on account of alleged damages, three hundred dollars, payable upon the passage of this act; and the canal commissioners are hereby required to re-examine the claim of said George Hogg & Co., and report to the next legislature.

Mounting cannon.

SECTION 46. For the payment of John B. Tomlinson one hundred and thirty dollars, being the balance due him for mounting two cannons captured by the American army from the Mexicans.

Mary Williams' executors, refund collateral inheritance tax.

SECTION 47. To the executors of the will of Mary Williams, deceased, late of the city of Philadelphia, five hundred and sixty-nine dollars and ten cents, that being the amount overpaid on account of collateral inheritance tax on the twenty-sixth day of June, one thousand eight hundred and forty-seven.

Superintendent of North Branch canal.

SECTION 48. That the superintendent of the North Branch canal shall be entitled to receive three dollars per day for his services in discharging the duties of his office, to be settled in the same manner and under the same restrictions as provided by existing laws of this commonwealth.

J. F. Cox and R. L. Johnston, attorneys.

SECTION 49. For the payment of Joshua F. Cox and Robert L. Johnson, attorneys in the case of Weightman vs. Wasson, for professional services and costs and expenses of suit, the sum of eighty-nine dollars and eighty-one cents.

James White, old soldier.

SECTION 50. To James White, senior, an old soldier of Washington county, twenty-seven dollars, the amount due him for services rendered in mustering the soldiers, under his command, to the place of rendezvous, in the month of May, one thousand eight hundred and twelve.

Sergeant-at-arms, door-keepers, &c.

SECTION 51. To the sergeant-at-arms, door keeper and messenger of each house, and their assistants, the sum of thirty dollars each, in addition to the pay now allowed by law for their attendance during the present session.

Domestic creditors.

SECTION 52. The sum of two thousand dollars is hereby appropriated for the payment of the domestic creditors' certificates of the sums of two hundred dollars and under; and the state treasurer is hereby required to pay off and cancel all certificates of and under that amount.

Dunlop's Digest.

SECTION 53. To Samuel W. Pearson, clerk of the senate, for twenty copies of Dunlop's Digest, and thirty-five copies of Mitchell's Pocket Map of Pennsylvania, purchased by him per resolutions of the senate, one hundred and fifty dollars and fifty cents, to be paid at any time after the passage of this act.

SECTION 54. That no money shall be drawn from the treasury of the commonwealth by virtue of this act contrary to the provisions of the forty-eighth section of the act, entitled "An Act to reduce the state debt and to incorporate the Pennsylvania canal and railroad company," approved the twenty-ninth day of April, one thousand eight hundred and forty-four, or to the provisions of the act of tenth April, one thousand eight hundred and forty-nine, entitled "An Act to create a sinking fund and provide for the gradual and certain extinguishment of the debt of the commonwealth."

How money shall not be drawn from treasury.

SECTION 55. If any appropriation made by this act for any of the purposes therein specified shall be more than sufficient for such purpose, the balance shall not be applied to any other purpose, but shall remain in the treasury to be accounted for and added to the receipts of the next year by the state treasurer in his annual report.

Surplus over any appropriation, to be accounted for.

SECTION 56. That the tenth section of the act, entitled "An Act to reduce the expenses of government," passed the seventeenth day of April, one thousand eight hundred and forty-three, shall not be construed to apply to any session of the legislature at which the septennial apportionment is required to be made in pursuance of the fourth section of the first article of the constitution of Pennsylvania.

Pay of members of legislature.

SECTION 57. That the appropriations by this act applicable to the repairs and motive power expenses of the canals and railroads may be paid out as the interest of the public service require, at any time after the passage thereof.

Appropriation for repairs, &c., how paid out.

SECTION 58. That the canal commissioners be and they are hereby empowered to impose a penalty of quadruple tolls, in addition to a fine not exceeding one hundred dollars, for any violation of the rules and regulations for the imposition and collection of tolls on the canals and railroads belonging to the commonwealth.

Penalty for violation of canal regulations.

SECTION 59. That the auditor general is hereby authorized and directed to settle the accounts of witnesses for their attendance before the committee appointed on the communication of the canal commissioners relative to the claim of Norris and Brothers, allowing the said witnesses one dollar per day, and six cents for each mile of necessary travel: *Provided*, That no officer of the state attending at the seat of government on the business of their offices, shall be entitled to such daily pay and mileage; and further, to settle the account of the clerk to said committee, and allow him the sum of one hundred dollars in full for his services, and there is hereby appropriated to the discharge of said claims an amount not exceeding five hundred dollars.

Investigation relative to claim of Norris & Brothers.

SECTION 60. That the clerks and assistant clerks of both branches of the legislature shall have, in addition to the present compensation, one hundred dollars each, and the transcribing clerks fifty dollars each.

Additional compensation to clerks, &c., of legislature.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 428.

AN ACT

To extend the charter of the Kensington Bank, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Kensington Bank, in the county of Philadelphia, be and the same is hereby extended and continued for the term of fifteen years, from the expiration of its present charter, subject to all the restrictions and provisions, and with all the privileges contained in an act, entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty, as fully as if the several sections of the said last recited act were herein literally repeated and set forth.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 429.

AN ACT

To authorize the trustees of the Methodist Episcopal church of Trough creek to make sale of a certain parsonage; and relative to the Glen Hope and Little Bald Eagle turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the parsonage house of the Methodist Episcopal church of Trough Creek circuit, Baltimore conference, be and they are hereby authorized to sell the said parsonage house and lot of ground and premises, with the appurtenances, situate in Tod township, in the county of Huntingdon, for the best price that can be obtained for the same, and make a deed therefor to the purchaser; and after paying the debts against the same, (if any there be,) to invest the proceeds of said sale in

Trustees of the parsonage of the Methodist Episcopal church of Trough Creek authorized to sell certain real estate.

the purchase of another suitable property, to be held and enjoyed by the said church for the same uses and purposes as the former property was held and enjoyed.

SECTION 2. That the Glen Hope and Little Bald Eagle turnpike road company are hereby authorized and empowered to extend and make the turnpike road from Glen Hope, in Clearfield county, to the town of Packersville, in the same county, and from the mouth of the Little Bald Eagle creek, in Blair county, to the junction of Market and Tyrone streets of Birmingham, in Huntingdon county, in like manner and with like powers and privileges, and under like restrictions and conditions as the said company is authorized and empowered to make said turnpike road from Glen Hope to Little Bald Eagle aforesaid; and the supervisors of the several townships through which said turnpike road shall and will pass and be made, who shall be elected in the year one thousand eight hundred and fifty, or in any year thereafter, are hereby authorized and empowered to subscribe and pay such number of shares of, in and to the capital stock of said company as they, the said supervisors of townships through which said road shall and will be made, shall deem proper and expedient; and the said supervisors are hereby authorized and empowered to pay the amount of stock they may subscribe as aforesaid, by the addition of such a rate of taxation to the ordinary township rates as may be required for said object, or may borrow such an amount, if by them, the said supervisors, it be deemed proper and expedient so to do: *Provided*, That the loan thus authorized shall not exceed, for any one township, the sum of one thousand dollars.

SECTION 3. That the managers of the said turnpike road or commissioners specially elected for the purpose, by the stockholders of said company, be and are hereby authorized and empowered to borrow the sum of five thousand dollars, or any additional sum not exceeding an aggregate of ten thousand dollars, for the purpose of making and completing said turnpike road to its termini at Packersville, in Clearfield county, and Birmingham, in Huntingdon county.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 430.

AN ACT

To incorporate the Smethport and Olean plank road company; and relative to the guardians of the poor in Richmond and Penn districts, in Philadelphia county; to authorize the secretary of the commonwealth to correct an error in a certain act; and relative to damages on protested bills of exchange.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Solomon Sartwell, Orlo J. Hamlin, Hiram Payne, R. Wright and Samuel Espy be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name of "The Smethport and Olean plank road company," with power to construct a plank road from the village of Smethport, M'Kean county, to the New York state line on the north of said county, by the best, most feasible and nearest route, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.
- SECTION 2.** The capital stock of said company shall consist of one thousand shares, at twenty-five dollars per share.
- SECTION 3.** That if said company shall not commence the construction of said road within five years, and complete the same within ten years after the passage of this act, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.
- SECTION 4.** That the commissioners of the district of Richmond and Penn district, in the county of Philadelphia, shall have power and authority to elect each one person to serve as guardian of the poor for said districts; and the persons so chosen shall have the same power and authority as guardians of the poor chosen by other districts in said county, now have and enjoy.
- WHEREAS,** The second, third, fourth and fifth sections of an act passed at the present session, entitled "An Act conferring on the commissioners of Dauphin county the rights and privileges reserved by this commonwealth, to extinguish tolls on the bridge over the Swatara creek, by the Lancaster, Elizabethtown and Middletown turnpike road company; relating to Sharon iron company; and the claim of William Edge, of Chester county; and to incorporate the Honesdale and Delaware plank road company," were inserted in said act by mistake; therefore,
- SECTION 5.** That the secretary of the commonwealth be directed to omit the said sections in preparing the laws for publication, and number the remaining sections accordingly.
- SECTION 6.** That in lieu and stead of the damages which, by the act to which this section is a supplement, are to be recovered upon a bill of exchange returned unpaid, with a legal protest, whenever any bill of exchange to be drawn or endorsed after the first day of August, one thousand eight hundred and fifty, within this commonwealth, upon any person or persons, or body corporate, of or in any other state, territory

or place, shall be returned for non-acceptance or non-payment, with a legal protest, the person or persons to whom the same shall or may be payable, shall be entitled to recover and receive of and from the drawer or drawers, or the endorser or endorsers of such bill of exchange, the damages hereinafter specified, over and above the principal sum for which such bill of exchange shall have been drawn, and the charges of protest, together with lawful interest on the amount of such principal sum, damages and charges of protest, from the time at which notice of such protest shall have been given, and the payment of said principal sum and damages and charges of protest demanded, that is to say: if such bill shall have been drawn upon any person or persons, or body corporate, of or in any of the United States or territories thereof, excepting Upper and Lower California, New Mexico and Oregon, five per cent. upon such principal sum; and if upon Upper or Lower California, New Mexico or Oregon, ten per cent. upon such principal sum; and if upon China, India or other parts of Asia, Africa or islands in the Pacific ocean, twenty per cent. upon such principal sum; and if upon Mexico, the Spanish Main, West Indies or other Atlantic islands, east coast of South America, Great Britain or other places in Europe, ten per cent. upon such principal sum; and if upon places on the west coast of South America, fifteen per cent. upon such principal sum; and if upon any other part of the world, ten per cent. upon such principal sum.

SECTION 7. So much of any existing law as may be inconsistent Repealed. herewith, is hereby repealed.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 431.

A N A C T

To incorporate the Pennsylvania exploring and mining company, and relative to the election of assessor in North Penn township, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Richard Jones, Samuel H. Jones, Samuel Fowler, Charles J. Gilbert, Samuel T. Jones, James L. Curtis and Daniel H. Curtis, and such other persons as may associate with them, their successors and assigns, be and they are hereby created and made a corporation and body politic,*

- Style.** by the name, style and title of "The Pennsylvania exploring and mining company," and by that name and title shall have succession, and shall be capable in law to sue and be sued in any court of law or equity, to have and use a common seal, and at pleasure to alter the same, with the right of exploring for minerals and of mining zinc, and other ores associated therewith, and cleansing and manufacturing the same, with power to lease, purchase and hold such mining properties and real and personal estate as may be necessary to the mining, conveying, cleansing and manufacturing zinc and other ores associated therewith, to sell, lease and mortgage the same, or any portion thereof: *Provided*, That the value of the same shall not exceed one hundred thousand dollars.
- Privileges.**
- Capital stock.** SECTION 2. That the capital stock of this company shall be six hundred thousand dollars, divided into shares of twelve and a half dollars each; and the said shares shall be deemed and considered personal estate; and it shall be lawful for said company to grant certificates of shares in full or part payment for the real or personal estate and mining rights that may be purchased or leased, and by the by-laws to compel payment of instalments not exceeding three dollars on each share at any one time not deemed or declared full stock; and on failure to pay any instalment, to forfeit the stock and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand in a newspaper published in the county of Northampton, and in one published in the city of Philadelphia.
- First directors.** SECTION 3. That Richard Jones, Samuel H. Jones, Samuel Fowler, Charles J. Gilbert, Samuel T. Jones, James L. Curtis and Daniel H. Curtis, shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the second Tuesday in June, one thousand eight hundred and fifty-one, and until their successors are duly elected and qualified.
- Board of directors.** SECTION 4. That the property and affairs of this company shall be managed and conducted by seven directors, being share-holders and citizens of the United States; the president shall be appointed by the directors from one of their number, and the directors shall have power to appoint such other officers and agents as may be deemed necessary to carry on the business of said corporation, and fill all vacancies that may occur from any cause whatever in their own body, and make all needful by-laws not inconsistent with the laws of this commonwealth, or of the United States.
- Officers.**
- Vacancies.**
- Annual election.** SECTION 5. That the annual election of directors shall take place on the second Tuesday of June in each year, commencing on the second Tuesday of June, one thousand eight hundred and fifty-one, at some convenient place in the borough of Easton, in the county of Northampton, between the hours of twelve o'clock at noon, and three o'clock in the afternoon of that day; all elections shall be by ballot, and each share entitled to one vote, and the vote may be by person or proxy; two weeks' previous notice shall be given in a newspaper published in each of the counties of Northampton and Philadelphia; and if from any cause an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered in conformity to the by-laws of said corporation.
- Transfer of stock.** SECTION 6. That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president or directors for that purpose, which said book or books shall be closed for the purposes of transfer of stock fifteen days before each election for directors, and no person shall be allowed to vote upon any stock, unless the same has been transferred

to him or her, and registered in the said transfer books more than fifteen days prior to the election at which he or she claims to vote; and all the books of said corporation shall be open to the inspection of the stockholders, except the said transfer books.

SECTION 7. That the exploring and mining operations of said company shall not extend in this commonwealth beyond the limits of the county of Northampton. Place of operation.

SECTION 8. That the right is hereby reserved to the legislature to alter, amend or repeal this act, whenever in their opinion it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporation. Reservation.

SECTION 9. That it shall and may be lawful for Francis D. Mower, duly elected assessor of North Penn township, in the county of Philadelphia, at the election for township officers held on the third Friday of March last, in the several wards and townships of the county of Philadelphia, to take an oath or affirmation according to law, and file a copy of the same in the office of the commissioners of the county of Philadelphia, within thirty days from the passage of this act, and the same shall be as good and valid, as if the same had been taken and done within twenty days after his election, agreeably to the provisions of the eighty-eighth section of the act of assembly, passed April fifteenth, one thousand eight hundred and thirty-four.

J. S. McCALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 432.

AN ACT

Incorporating the Methodist Episcopal church in Halifax, Dauphin county; relative to the enrolment tax on charitable or religious corporations; and to opening and extending South, Prince, Lime and North Queen streets, in the city of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a corporation is hereby created which shall be called by the name, style and title of "The Methodist Episcopal church in Halifax," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take, hold and receive to them and their successors for the use of the said society, lands, tene- Style. Privileges.

ments, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which are now or shall or may at any time hereafter become the property of the said society, or to be held for their use by gifts, grants, bargains, sales, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and to grant, bargain, sell, mortgage, improve, or dispose of for the use of the said society: *Provided*, That the yearly value or income of the said estate shall not exceed the sum of three thousand dollars, and shall not be appropriated to any other than benevolent or religious uses.

Trustees.
Officers.

Present trustees.
Annual election.

Vacancies.

By-laws.

Enrolment tax
on charitable or
religious corpora-
tions.

South Prince
street, Lancaster,
relative to.

SECTION 2. The business of said society shall be conducted by nine trustees, who shall choose from among their number a president and secretary, and may appoint a treasurer and any other officers they may deem necessary, and until others are or shall be elected as is herein-after provided, the following named persons shall be trustees, to wit: Joseph Geiger, Henry Singer, Jr., Henry Shammo, Samuel Landis, Samuel Noblet, Michael Freeburn, John Metzger, Daniel Wilvert, John W. Garnes, to continue in office until the first Monday of January, Anno Domini, one thousand eight hundred and fifty-one, on which day the male members of said society shall elect nine trustees, three for one year, three for two years, and three for three years, the term of service to be designated by the electors on their ballots, and their places respectively, shall be supplied by the annual election on the first Monday of January, of three persons to serve for three years; and if any vacancies by death or otherwise, shall happen in the office of trustees, the remaining trustees may appoint others to supply such vacancy or vacancies, until the next annual election, when another trustee or trustees shall be elected to fill such vacancy or vacancies as may then exist in the board of trustees; and if the society neglect on the said day annually, to hold their election as is hereinbefore directed, the said corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent day on which the election may be held: *Provided*, That at least ten days' notice may be given in such manner as a majority of the trustees may direct, and any male member of said society at least twenty-one years of age, and one year in connection with the Methodist Episcopal church, shall be entitled to vote for trustees.

SECTION 3. The said trustees and their successors shall have full power to enact such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the said society, and shall have power also, to change the time of holding the general election, if the same should be deemed advisable: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state, or of the United States.

SECTION 4. That the enrolment tax on acts of assembly, creating, extending or renewing corporations for charitable or religious purposes, shall in no case exceed the sum of ten dollars.

SECTION 5. That so much of the eleventh section of the act of the fifth day of April, Anno Domini, one thousand eight hundred and forty-eight, entitled "An Act relative to certain highways, road taxes and township supervisors," as requires the damages, if any, incident to laying out and opening South Prince street, in the city of Lancaster, to be paid out of the funds of said city, be and the same is hereby repealed.

SECTION 6. The court of quarter sessions of Lancaster county, on the petition of any owner of a lot or land through which the said street is extended and opened, representing that he or she has sustained damages thereby, shall appoint six disinterested freeholders, three of whom

shall be residents of the city, and three of the county of Lancaster, to view the premises and adjudge the amount of damages, if any sustained, which damages shall be paid out of the county treasury; *Provide*, That the said viewers shall before they proceed to assess the said damages, take an oath or affirmation before an alderman of the city of Lancaster, justly and truly to value the same, and to consider the advantages as well as disadvantages of the extension and opening of the said street to the complainants.

SECTION 7. All proceedings heretofore commenced by the owners of land through which the said street is extended and opened, under the law to which this is a supplement, are hereby declared to be null and void.

SECTION 8. That no damages whatsoever which shall hereafter occur to any persons by reason of laying out any road, street, alley or way in the city, or any of the boroughs of the county of Lancaster, shall be paid out of the county treasury, but the same shall be paid by such city or borough, or by the persons whose property is benefitted by the opening of such streets, roads, alleys or ways.

SECTION 9. That it shall not be lawful for the street commissioner North Queen of the city of Lancaster, to lay out, extend or open North Queen street, street, in said city, unless the select and common council of said city by resolution shall authorize and direct the same.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 433.

AN ACT

To extend the powers of the Mercer and Meadville turnpike road company; relative to the manufacturing of iron with coke or mineral coal; to the claim of Elias E. Hand; and to certain suits of William W. Hamersley, in Adams county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president, managers and stockholders of the Mercer and Meadville turnpike road company shall maintain and keep the said road of and at its present grade, and shall maintain and construct all the causeways and bridges on said road, of the width of at least fifteen feet.

SECTION 2. That if any person or persons from whom the said Mercer and Meadville turnpike road company may by their act of incorporation be entitled to demand tolls at any of the gates erected by said

Mercer and Meadville turnpike road to be kept at present grade.

Penalty for avoiding payment of tolls.

company, shall, for the purpose of avoiding the payment of said tolls, open by force, injure, or break down any toll-gate erected by said company, or force his or her way through the same, such person or persons shall be liable to pay a fine of not less than ten dollars, to be recovered by action of debt before any justice of the peace, brought in the corporate name of the said company, and one-half of said fine shall be paid over to the use of the poor house of Mercer county; and it shall also be lawful for the said company to sue for and recover the tolls such person or persons ought justly to pay had such violence not been committed.

SECTION 3. That so much of the act, entitled "An Act to encourage the manufacture of iron with coke or mineral coal, and for other purposes," as restricts companies formed under it from holding their lands in more than three separate tracts, or in more than two counties which adjoin each other, be and the same is hereby repealed: *Provided*, That nothing herein shall be construed to increase the whole quantity of land which the said companies are now by law entitled to hold.

SECTION 4. That the auditor general be and he is hereby authorized and directed to examine the certificate issued on the twenty-sixth day of September, one thousand eight hundred and forty-two, by John Mitchell, late supervisor, under the act of assembly of the seventh of April, one thousand eight hundred forty-two, to Elias E. Hand, and if found to be correct and not paid, to draw his warrant on the state treasurer in favor of Elias E. Hand, or his agent, for the amount which may be found due upon said certificate of one hundred and two dollars and fifty cents.

SECTION 5. That any suit brought or to be brought by William W. Hamersley, against the commissioners of Adams county, to recover compensation for services rendered pursuant to the order of the court of Adams county, in transcribing and re-binding dockets, or making indices to the same, may be brought in the court of common pleas of Franklin county, and the writ be served by the sheriff of Franklin county; or if such suit is brought in the county of Adams, the prothonotary shall certify and transmit the record of the same to Franklin county, to the prothonotary of the court of common pleas of said county, who shall enter the same on his docket, and thereupon the court of common pleas of the said county of Franklin shall have full and complete jurisdiction of the case, and shall proceed in the same to final judgment and execution as in other cases; and such costs as would have to be paid by the county of Adams, if the proceedings were therein, shall be paid by the said county of Adams in like manner as if the proceedings were in said county.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

Iron manufactur-
ing companies,
privileges of
holding lands ex-
tended.

Auditor general
authorized to ex-
amine and cor-
rect certificate is-
sued to Elias E.
Hand.

Changing venue
of Wm. W.
Hamersley vs.
Commissioners of
Adams county,
to Franklin
county.

No. 434.

A N A C T

To provide for the erection of a house for the employment and support of the poor in the county of Tioga.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Bache, James Lowry, R. G. White, J. Emery, David Caldwell, T. L. Baldwin, Benjamin C. Wickham, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini, one thousand eight hundred and fifty-one, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Tioga county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor in the name and for the use of the corporation mentioned in the third section of this act; and they shall certify their proceedings therein under their hands and seals to the clerk of the court of quarter sessions of the county of Tioga, to be filed in his office; and at the next general election the qualified electors shall elect three reputable citizens of the said county to be directors of the poor and of the house of employment for the county of Tioga; and the judges of the election of said county shall, immediately on receiving the returns of the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice, in writing, to the said directors of their election; and the said directors shall meet at the court house in said county, on the first Monday in November next ensuing their election, and divide themselves by lot into three classes; the place of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year; of the third at the expiration of the third year; so that those who shall be chosen after the first election and in the mode above described, may serve for three years, and one-third may be chosen annually thereafter.

SECTION 2. Every director elected in the manner aforesaid, or appointed as is directed by the twelfth section of this act, shall, within ten days after he is notified of such election or appointment, and before he enters upon the duties of said office, take an oath or affirmation, which any justice of the peace of said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor of the said county truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county; which fine shall be recovered by the directors for the time being as debts are or shall be by law recoverable.

SECTION 3. The said directors shall forever hereafter, in name and in fact, be one body and corporate in law, to all intents and purposes whatever, relative to the poor of the county of Tioga, and shall have

Style.	perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The directors of the poor and of the house of employment for the county of Tioga," and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars; and any goods and chattels whatsoever, of the gift, alienation, or bequest of any person or persons whatsoever, to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county, to provide all things necessary for the lodging, maintenance and employment of said poor, to appoint a treasurer annually, who shall give bond with full and sufficient security for the faithful discharge of the duties of his office; and at the expiration thereof, for the payment and delivery over to his successor in office, of all moneys, bonds, notes, book accounts, and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor: <i>Provided</i> , That no child shall be bound at a greater distance than thirty miles from the poor house; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.
Treasurer to be appointed and give security.	
Power to appoint steward, matron, &c.	
Poor children may be bound out.	
Proviso.	
Estimate of probable expense to be made.	SECTION 4. The said directors as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the necessary building or buildings and furnishing the same, and maintaining the poor within said county for one year; whereupon the county commissioners of the said county shall and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments with interest, out of the county taxes: <i>Provided always</i> , That if such loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.
May levy tax.	
Proviso.	
Estimate to be made of probable annual expense.	SECTION 5. It shall be the duty of the said directors on or before the first day of November in each and every year, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners as the same may be found necessary; and the said directors shall at least once in every year, render an account of all moneys by them received and expended, to the auditors elected to audit and settle the county accounts, subject to the same penalties and rules and regulations as are by law
Accounts.	

directed respecting the accounts of the county commissioners, and shall at least once in every year lay before the court of quarter sessions and grand jury of said county, a list of the number, age and sex of the persons maintained and employed in said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation or calling, and shall at all times when thereto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interest and moneys payable and receivable by the said corporation; and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them: *Provided*, That no director shall sell or dispose of any article or articles to the said poor house during the time he shall serve as director thereof.

Submit to inspection of board of visitors.

Proviso.

SECTION 6. As soon as the said buildings shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county, requiring them forthwith to bring the poor of their respective townships to said house of employment; which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when, by sickness or any other sufficient cause, any poor person cannot be removed; in which case the said overseers shall present the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the said time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors, at a reasonable allowance.

To give notice to township overseers of poor of time of completion of building, &c.

SECTION 7. The said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the county of Tioga, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Tioga, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said Tioga county.

To receive and provide for support and employment of poor.

May maintain poor elsewhere.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and all such persons as shall come under their recognition: *Provided*, The same be not repugnant to this law, or any of the laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas, for the time being, of

Quorum.

Rules and regulations.

Proviso.

the county of Tioga, and shall have received the approbation of the same.

SECTION 9. The said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their legal settlement; and in case such poor persons shall refuse to take the oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors, touching and relating to the said settlements, the said directors may withhold all further relief from such poor person or persons, until he or she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the power hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

SECTION 10. A quorum of said directors shall and they are hereby enjoined and required to meet at the said house of employment at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

SECTION 11. The said directors shall each of them receive for their services annually, the sum of twenty dollars, to defray the expenses of their necessary attendance on the duties of their office.

SECTION 12. In case of any vacancy by death, resignation or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided the third section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

SECTION 13. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Tioga, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

SECTION 14. As soon as the poor of the county of Tioga shall have been removed to the house of employment of said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

SECTION 15. The power conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed upon the directors of the poor in said county of Tioga; and the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the directors, to be by them applied to the maintenance of the poor of the county, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said directors within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the justices of the peace and sheriff in the said county shall be

subject to all fines, penalties and forfeitures to which the justices and Penalty. sheriffs in other counties by the said act are subject or liable.

SECTION 16. The commissioners of said county are hereby author- Pay of commis-
ized and empowered to pay to the persons appointed commissioners by sioners.
the first section of this act, the expenses incurred by them in the per-
formance of their duty; and also, to pay the said directors a reasonable
compensation for their services during the time they are employed in
erecting any building or buildings aforesaid: *Provided*, The same shall Proviso.
not, including the annual sum allowed them by this act, exceed fifty
dollars for any one year.

SECTION 17. So much of the laws of this commonwealth relating to Repeal of poor
the poor, as are by this act altered and supplied, be and the same are laws.
hereby repealed, so far as they affect the county of Tioga.

SECTION 18. That the sheriff of the said county shall in due time Sheriff to notify
notify the said commissioners of their appointment, and when and where commissioners of
they shall meet for entering upon the duties assigned them by this act, their appoint-
ment, &c.
which place of meeting shall be as near the centre of the county as pos-
sible.

SECTION 19. For the purpose of ascertaining the sense of the citizens
of Tioga county, as to the expediency of erecting a poor house in said
county, it shall be the duty of each of the inspectors of the several town-
ships and boroughs at the next general election to receive tickets, either
written or printed, from the qualified voters thereof, labelled upon the out-
side "poor house," and in the inside "for a poor house," or "against
a poor house;" and if it shall appear, upon casting up the votes of the
different districts, at the court house, on the same day that other re-
turns are made out, that a majority of those who voted are for a poor
house, then the foregoing act to take effect, but if a majority of said
votes are against a poor house, the foregoing act to be null and void.

Vote of the peo-
ple as to the ex-
pediency of erect-
ing poor house.

How tickets to be
made.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of May, A. D., one thousand eight
hundred and fifty.

WM. F. JOHNSTON.

No. 435.

AN ACT

To annul the marriage contract between Joseph C. Smith and Sobrina his wife;
to authorize the sale of the Erie and Waterford turnpike road; and relative to
the claim of Peter Eakman.

WHEREAS, Sobrina Smith, wife of Joseph C. Smith, was joined in
marriage with the said Joseph C. Smith, on the twenty sixth day of Preamble.
March, A. D., one thousand eight hundred and thirty-five, and lived

and cohabited with him in the county of Erie, until the month of February, A. D., one thousand eight hundred and thirty-eight, when they removed to the county of Chautaque, in the state of New York, and resided there until the month of February, A. D., one thousand eight hundred and forty-one, at which time the said Joseph C. Smith and his said wife separated and still continue separated:

And whereas, The said Joseph C. Smith has since the said separation in the state of New York, wholly refused any support to his said wife and family; therefore,

Divorce.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Joseph C. Smith and Sobrina, his wife, both of Fairview township, in the county of Erie, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from the duties and obligations arising therefrom, as fully, effectually and absolutely as if they never had been joined in marriage.

Erie and Waterford turnpike road company authorized to reduce par value of stock.

SECTION 2. That the president and managers of the Erie and Waterford turnpike road company, incorporated by the act to which this is a supplement, be and they are hereby authorized and empowered to reduce the par value of the stock of said company from fifty dollars to twenty five dollars; and the said company are further authorized and empowered to create new stock, divided into shares of twenty five dollars each, to an amount sufficient to put said road in repair, to re-build and re-construct the same as authorized and required, and to discharge the indebtedness of the company, and the same to sell and deliver, to be of the same value and confer the same rights as original stock.

Authorized to transfer to Erie and Waterford plank road company, their road, &c.

SECTION 3. That the said company are hereby authorized and empowered to sell, transfer or deliver to the Erie and Waterford plank road company, the turnpike road belonging to said company, with all its rights, privileges, franchises and appurtenances, and to take and receive in full payment of the same, stock in the said Erie and Waterford plank road company, for the use of the holders of the stock in said turnpike company, hereby authorizing and empowering the said company to fix the price of such sale and transfer, and to do all things necessary and proper to carry the same into effect.

Said plank road company authorized to purchase said turnpike, &c.

SECTION 4. That it shall be lawful for the president and managers of the Erie and Waterford plank road company, to purchase the Erie and Waterford turnpike company, with all its franchises as provided in the preceding section, and to pay for the same in the stock of the said plank road company; and in case such purchase shall be made, the president and managers of the Erie and Waterford plank road company are hereby authorized to adopt said turnpike, or any part of it as their road, and to plank the same, having first so graded it, that it shall in no place rise or fall more than will form an angle of four degrees with a horizontal line.

Canal commissioners to examine claim of Peter Eakman.

SECTION 5. That the canal commissioners are hereby authorized and directed to examine the claim of Peter Eakman, of Armstrong county, and ascertain the amount of damages he has sustained, if any, by the erection of the aqueduct over the Allegheny river near Freeport, and make report of the same to the next legislature.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to annul the marriage contract between Joseph C. Smith and Sobrina his wife; to authorize the sale of the Erie and Waterford turnpike road; and relative to the claim of Peter Eakman," was presented to the governor on the second day of May, one thousand eight hundred and fifty, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.
 SAML. W. PEARSON,
Clerk of the Senate.

HARRISBURG, May 14, 1850.

No. 436.

AN ACT

To authorize the sale of the Allegheny bridge at Warren; relative to the Mill Creek and Mine Hill navigation and railroad company; and to divorce Aquilla Anderson from the bonds of matrimony.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Warren bridge company to sell their bridge across the Allegheny river at Warren, in Warren county, upon such terms as may be deemed advisable by the directors of said company, and a deed conveying the same to the purchaser or purchasers, signed by a majority of the directors, shall vest in the said purchaser or purchasers all the interest, rights and privileges of said company, to and concerning said bridge, which said company now possess: *Provided,* That said sale and transfer shall not invest the purchaser or purchasers with any corporate privileges: *And provided further,* That no such sale shall be legal until the stockholders, or a majority of them convened at a meeting called for that purpose, shall authorize said directors to make the same.

SECTION 2. That the Mill Creek and Mine Hill navigation and railroad company be and they are hereby authorized and empowered to extend and continue their railroad from any point on the main line, or New Boston extension of the same, to the town of Girardville, in Butler township, Schuylkill county, by the most eligible route determined upon by the engineers of said company.

SECTION 3. That for the purpose of enabling the said company to extend their railroad as aforesaid, the capital of the Mill Creek and Mine Hill navigation and railroad company may be increased by an issue of the stock of said company, the whole amount of said increase not to exceed the sum of three hundred and fifty thousand dollars, at

Warren bridge
company author-
ized to sell bridge

Proviso.

Mill Creek and
Mine Hill navi-
gation and rail-
road company
empowered to
extend road.

Capital increased

the par value of each share; and may and are hereby authorized, if they deem it expedient, to extend and continue the said railroad from the said town of Girardville, through the town of Ashland, to a point in or near the Locust gap, in Northumberland county, and connect the same with any railroad that may be constructed from such point to the Susquehanna river; and for the purpose of enabling the said company to make said extension, the capital stock of the said company may be increased in the manner hereinafter provided, to an amount not exceeding seven hundred thousand dollars.

May borrow money.

SECTION 4. That if the managers of the said Mill Creek and Mine Hill navigation and railroad company shall think it more advantageous to the interest of said company to raise the necessary funds for the extension by means of a loan, in preference of an issue of stock, they are hereby authorized and empowered to borrow, at such times and in such amounts as they may determine, a sum of money not exceeding, in the whole, the sum of three hundred and fifty thousand dollars, at any rate of interest not exceeding six per cent., and for such time as the said managers may prefer.

May purchase grade of other roads.

SECTION 5. That if in the said extension of said Mill Creek and Mine Hill navigation and railroad company, it shall be found of advantage to use all or any portion of the grade of any railroad incorporated or otherwise, it shall and may be lawful for the managers of said company to purchase said grade from any incorporated company, or private individual or individuals, at any sum or price the said parties, sellers and purchasers, may be able mutually to agree upon; and upon said purchase, the franchises belonging to said grade, if any do so belong, shall be absolutely vested in the said Mill Creek and Mine Hill navigation and railroad company, subject to the provisions and requirements of the charter of said company.

May erect planes.

SECTION 6. That if in the said extension of said Mill Creek and Mine Hill navigation and railroad company, it shall be found advisable to use planes on any portion of the same, it shall and may be lawful for the managers of said company to purchase all the necessary machinery to properly work the said planes.

Preamble.

WHEREAS, Aquilla Anderson, of the city of Reading and the county of Berks, has presented his petition to the legislature of this commonwealth, praying for a divorce from the bonds of matrimony, entered into by him with his wife, Mary Anderson, late Mary Renninger, setting forth, as the ground of said application, that he was entrapped into the marriage aforesaid by the fraud, trickery and imposition of the said Mary, who was at the time of the said marriage with child by another man, without the knowledge of the said Aquilla Anderson, a cause not within the jurisdiction of the courts of common pleas; therefore,

Divorce.

SECTION 7. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between the said Aquilla Anderson, of the city of Reading and the county of Berks, and Mary Anderson, his wife, late Mary Renninger, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully and effectually and absolutely as if they had never been joined in marriage.*

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to authorize the sale of the Allegheny bridge at Warren; relative to the Mill Creek and Mine Hill navigation and railroad company; and to divorce *Acquilla* Anderson from the bonds of matrimony," was presented to the governor on the thirtieth day of April, one thousand eight hundred and fifty, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,

Clerk of the House of Representatives.

SAML. W. PEARSON,

Clerk of the Senate.

HARRISBURG, May 14, 1850.

No. 437.

A SUPPLEMENT

To the act, entitled "An Act authorizing the governor to incorporate the Willow Street turnpike road company," approved the fifth day of April, eighteen hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act to which this is a supplement, as requires the said Willow Street turnpike road company to make, construct and finish the the turnpike road branching from the main road from, at or near Martin Rendig's tavern house, along the Martick forge, to where it intersects the road from Strasburg to Safe Harbor, before collecting tolls on the main road, be and the same is hereby repealed.

Repealing part of former act.

SECTION 2. That the said company shall not be required to commence said branch road mentioned in the preceding section within three years, and finish it within the space of ten years, notwithstanding any provision contained in the fifth section of the act to which this is a supplement; and so much of said act as is inconsistent with the provisions of this section, are hereby repealed.

Time for commencement and completion extended.

SECTION 3. That in case of the resignation of any of the present board of managers of said company, or where any vacancy now exists, the same may be supplied by an election of the stockholders, at such time and place as a majority of the commissioners of said road shall appoint, and all vacancies hereafter occurring by resignation, death or removal, shall be filled in such manner as the by-laws of said managers shall direct.

Vacancy in board of managers, how supplied.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 438.

AN ACT

To incorporate the Unity turnpike and plank road company; to authorize the commissioners of Greene and Somerset counties to borrow money; to revise the levels and grades of streets in Southwark and Moyamensing, Philadelphia county; and to authorize the commissioners of the Northern Liberties, in said county, to build market houses on Franklin street, and to lay iron pipes on Girard avenue.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel P. Cummins, John M'Farland, Wm. S. Hood, William Anderson, Joseph Buckholder and Alexander Johnston, of Westmoreland county, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name and style of "The Unity turnpike and plank road company," with power to construct a turnpike or plank road, or a road part turnpike and part plank, from Alexander Johnston's, in Westmoreland county, to intersect the Pennsylvania railroad at the depot, or near the farm of Henry Buckholder, in Derry township, said county, by such route as may be agreed upon and adopted by the stockholders, or a majority of them, at a meeting to be held for that purpose, subject to all the provisions and restrictions, except when it is otherwise provided in this act, of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement to said act, approved the seventh day of April, one thousand eight hundred and forty-nine: *Provided,* That the number of managers under this act shall be three.

SECTION 2. That the capital stock of said company shall consist of one hundred shares, at twenty-five dollars per share: *Provided,* That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road and to carry out the true intent and meaning of this act.

SECTION 3. That the commissioners of Greene and Somerset counties respectively, are hereby authorized to borrow money on the faith and credit of said counties, any sum not exceeding ten thousand dollars each, at a rate of interest not exceeding six per cent. per annum, and for such length of time as they shall deem proper, to be expended in the erection and improvement of the public buildings in the aforesaid counties.

SECTION 4. That the southernmost boundary line of the district of Southwark, in the county of Philadelphia, being a portion of the line between that district and the district of Moyamensing, is hereby altered, and shall hereafter be fixed and established as follows, to wit: beginning on the river Delaware at the south side of Mifflin street as laid out but not yet opened, through the said districts of Southwark and Moyamensing; thence westwardly along the south side of the said Mifflin to the west side of Delaware Fifth street; thence crossing Mifflin street to the north side thereof; thence continuing westward along

Commissioners.

Style.

Location.

Subject to provisions of certain act.

Capital stock.

Commissioners of Greene and Somerset counties authorized to borrow money.

Southernmost boundary line of the district of Southwark altered.

the north side of Mifflin street to the east side of Delaware Seventh street; thence northward along the east side of said Seventh street to the north side of Reed street; thence westward along the north side of said Reed street to the westernmost boundary line of the said district of Southwark, being the westerly side of the Passyunk road.

SECTION 5. In all the streets forming the boundary line fixed by the preceding section, it shall be lawful for the authorities of the districts within which the said streets are located, to curb, pave and lay water pipes in the manner prescribed by existing laws governing said districts respectively, and the said districts shall have all legal remedies for the recovery of the cost and expenses of such curbing, paving and laying water pipe from the property fronting on both sides of such streets, in like manner as if such property was entirely within the jurisdiction of the district by which such water pipe has been laid, or curbing or paving done.

Relative to streets forming said boundary.

SECTION 6. Inasmuch as the grades of the water courses adjacent to the late Delaware and Schuylkill canal, in the districts of Southwark and Moyamensing, were fixed and established to suit the said canal, being in some instances a dead level for several squares, then suddenly rising or falling six or eight feet in a single square, and the said canal being now given up and abandoned; therefore, it shall be lawful for the regulators of the districts of Southwark and Moyamensing, to revise the grades of the several streets laid out and opened, or to be hereafter opened, crossing or running adjacent to the line or bed of the said Delaware and Schuylkill canal, and to fix and establish anew the lines and descents of the water courses of the said streets, and the route of such culverts and common sewers as may be necessary: *Provided*, That such new regulation shall in all cases conform in their connecting points with the regulations of the water courses heretofore fixed and established.

Regulators of the districts of Southwark and Moyamensing authorized to revise the grades of the streets, &c.

SECTION 7. When the lines and descents of the said water courses have been revised and fixed and established as aforesaid, the said regulators shall make an accurate plan thereof, with all the necessary figures, showing the present surface of the ground, and summits and descents of the water courses along the several streets; and the said plan when completed, shall be filed in the office of the clerk of the court of quarter sessions of the county of Philadelphia; and the said court of quarter sessions shall direct public notice to be given of the filing of the said plan, and that on a certain day the said court will hear objections, if any be offered, from any of the property owners affected or disturbed by said regulation; and the said court shall have power to adjudicate and determine upon the said regulation, and when the regulation as delineated on the said plan, shall be finally confirmed by the said court, it shall thereby become the permanent regulation of the district or territory embraced in said plan.

Plan thereof to be made.

SECTION 8. That the charter of the Delaware and Schuylkill canal company be and is hereby revived with like powers, rights and restrictions as if the same had never expired; and that the last elected president and directors shall be officers of the company until an election shall be duly held; and the president and directors are hereby authorized and required to call in the instalments due by stockholders, and collect moneys due to the company, and to pay contractors and others for work done on said canal: *Provided*, That nothing herein contained shall be construed to prevent the survey directed to be made by the sixth and seventh sections of this act.

Charter of the Delaware and Schuylkill canal company revived.

SECTION 9. That it shall and may be lawful for the board of commissioners of the incorporated district of the Northern Liberties, in the county of Philadelphia, to erect and build or to cause to be erected

Board of commissioners of the incorporated district of the

Northern Liberties authorized to build a market house.

and built in Franklin street, between Apple and Fifth streets, in the said district, a market house or market houses, which shall be built in the centre of the said street, not exceeding in width the market house now erected on said Franklin street in the district of Kensington.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 439.

AN ACT

Relative to the Columbia Lyceum and Mechanics' Institute; to the act relating to inspections; to the claims of David King, of Venango county; and of the heirs of John Bennet, of Lycoming county, deceased; to authorize James T. Crabb to sell certain gun-powder in the county of Philadelphia; relative to the estate of Francis Harley, senior, deceased; and a supplement to an act relating to registers and registers' courts, passed March fifteenth, one thousand eight hundred and thirty-two.

Columbia Lyceum and Mechanics' institute, corporate powers of, revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the corporate powers and privileges of the Columbia Lyceum and Mechanics' Institute, in the borough of Columbia, Lancaster county, are hereby revived and confirmed, and shall hereafter be and remain in as full force and virtue as if the organization of the said lyceum and institute had been continuously maintained since its incorporation by the courts of Lancaster county; and the failure of the members of the said lyceum and institute to elect officers according to the provisions of their constitution and by-laws, shall not in any way affect the validity of their charter; and it shall be lawful for any of the members of said lyceum and institute at any time hereafter, by a public notice published for three successive weeks in one or more newspapers printed in Lancaster county, to call a meeting of the members of said lyceum and institute for the purpose of electing officers for the same; and the individuals elected at such meeting so called, shall, to all intents and purposes, be the lawful officers of said lyceum and institute, and shall hold their offices respectively until the period of the next annual election under the laws of the said lyceum and institute, or until other officers shall be duly elected.

Personal property exempt from levy and sale, &c.

SECTION 2. The personal property of the said Columbia Lyceum and Mechanics' Institute shall in all cases be exempt from levy and sale on execution or by distress for rent.

SECTION 3. That nothing contained in the one hundred and ninety-first section of the act, entitled "An Act relating to inspections," passed the fifteenth day of April, eighteen hundred and thirty-five, shall extend to the inspector of flour in the borough of Erie, in the county of Erie.

Flour inspector
of the borough of
Erie, relative to.

SECTION 4. That the auditor general be and is hereby authorized and directed to examine the claim of David King, of Venango county, for attending two locks on the French Creek division of the Pennsylvania canal, and if found to be correct and not paid, to draw his warrant in favor of the said David King or his agent, for the amount found due him: *Provided*, That the fact of the performance of the service shall be established to the satisfaction of the auditor general, by the oath or affirmation of competent witnesses.

Auditor general
authorized to ex-
amine the claim
of David King.

SECTION 5. That the auditor general be and he is hereby authorized and required to examine the claim of the heirs and legal representatives of John Bennet, late of Lycoming county, deceased, for constructing a farm bridge across the canal, during the life of the said John Bennet, and report the facts in detail to the next legislature; and also, to report whether the said Bennet has received any compensation for said bridge either as damages to his real estate or otherwise.

Auditor general
authorized to ex-
amine the claim
of the legal repre-
sentatives of
John Bennet.

SECTION 6. That James T. Crabb, late superintendent of the state powder magazine in Philadelphia county, be and he is hereby authorized to sell at public sale, sixty-three kegs of gun-powder, seized by him by virtue of law, and now stored in said magazine, in Philadelphia county, and appropriate the proceeds according to existing laws.

James T. Crabb
authorized to sell
powder.

WHEREAS, Francis Harley, senior, late of the city of Philadelphia, deceased, by his last will and testament, bearing date the twenty-second day of May, Anno Domini, one thousand eight hundred and forty, duly proved and registered in the office of the register of wills for the city and county of Philadelphia, after giving and bequeathing a few legacies or annuities of small amounts to persons therein named, and appointing Charles S. Lewis and John M. Ford executors, he did give, devise and bequeath, direct and dispose of the residue of his estate as follows, to wit: all the rest, residue and remainder of my estate, real and personal, I give, devise and bequeath unto the said Charles S. Lewis and John M. Ford, their heirs, executors, administrators and assigns, in trust to hold and dispose of the same to and for the following uses, trusts, interests and purposes following, that is to say, one equal undivided fourth part thereof to and for the sole and separate use of each of my four daughters, Mary Jane Lodge, Julianna Harley, Elizabeth Lewis and Anna Matilda Harley, for and during the term of their respective natural lives, and during such time to pay over and apply the net income, interest and proceeds thereof to their several and respective uses, free and clear of any debts which the husbands of any of them may contract or owe; and upon the death of any of my daughters without leaving a child or children, grand-child or grand-children her surviving, then in trust as to the one-fourth designed for such daughter, to and for the sole and separate use as aforesaid of the survivors or survivor of said daughters; and after the decease of any of my said daughters, leaving a child or children, grand-child or grand-children her surviving, then in trust as to the one-fourth so designed for such daughter, to and for such daughter, to and for such of her children or grand-children as she may by any writing in the nature of a last will and testament, executed in the presence of two or more credible witnesses, may direct, limit and appoint; and in the absence of any such writing or last will, in trust for her heirs at law; and I do authorize and empower the said trustees to sell and dispose of any part of the whole of my said real estate, if they should deem it advantageous to my devisees so to do, and to make and execute

Preamble.

good and sufficient deeds of conveyance, in fee simple, to the purchaser or purchasers, their heirs and assigns, without any responsibility on the part of the purchaser or purchasers for the application of the purchase money, or any part thereof; and I desire and direct that the proceeds of such sales be invested in other real estate, without any unreasonable loss of time for like purposes, and with like trusts as aforesaid: it is my will that the aforesaid residue of my personal estate be sold and disposed of by my said trustees, and that the proceeds be invested in real property for the purposes and on the trusts aforesaid:

And whereas, The said Charles S. Lewis and John M. Ford, executors and trustees aforesaid, have lately acquired, by purchase and a deed of conveyance made and executed to them by Richard G. Stotesbury, administrator, &c., of George Harley, deceased, dated the eleventh day of July, Anno Domini, one thousand eight hundred and forty-nine, recorded in the office for recording deeds, &c., for the city and county of Philadelphia, in deed book G W C, No. 19, page 145, &c., the following described real estate, viz: all that certain messuage or tenement and lot or piece of ground, with the appurtenances, situate on the east side of Delaware Front street, and on the west side of Water street, formerly called King street, between Chesnut and Walnut streets, in the city of Philadelphia, containing in breadth on the said Front street, twenty-two feet, eleven inches, or thereabouts, and on the said King or Water street, twenty three feet and a half, or thereabouts, and in length or depth extending from the said Front street to said King or Water street; bounded northward with a *message* now or late of George Fitzwater, at the middle of the party wall dividing that from the messuage aforesaid; southward with a messuage now or late of John White and Abraham Taylor, at the middle of the party wall; eastward with the said King or Water street; and westward with Front street aforesaid; to have and to hold the same, &c., in trust, for the same uses and purposes, and with the same powers and authorities, as are limited, expressed and declared by and in the will of the said *Francis Harley*, hereinabove fully recited:

And whereas, The said Charles S. Lewis and John M. Ford, the executors and trustees above named, deeming it *advantages* to the devisees under the will aforesaid, to sell and dispose of the said above described messuage or tenement and lot or piece of ground, with the appurtenances, and having contracted for the sale of the same, and doubts having arisen whether, under the will aforesaid, they have sufficient power vested in them to make a conveyance to the purchaser thereof, in fee simple, the said premises having been acquired and conveyed to them, as above recited, since the death of the testator, *Francis Harley*; now, therefore,

SECTION 7. *Be it further enacted,* That Charles S. Lewis and John M. Ford, executors and trustees under the will of *Francis Harley*, deceased, be and they are hereby authorized and empowered to make and execute a good and sufficient deed of conveyance, in fee simple, for all that certain messuage or tenement and lot or piece of ground, with the appurtenances, situate on the east side of Delaware Front street and west side of Water street, formerly called King street, between Chesnut and Walnut streets, in the city of Philadelphia, containing in breadth on the said Front street twenty-two feet eleven inches, or thereabouts, and on the said King or Water street twenty-three feet and an half, or thereabouts, and in length or depth extending from the said Front street to the said King or Water street, unto the purchaser or purchasers thereof, his, her or their heirs and assigns, as fully, amply and largely to all intents and purposes, as if the same had not been

Executors and trustees under the will of *Francis Harley*, authorized to execute good and sufficient deeds, &c.

acquired by them as above recited after the death of the testator, Francis Harley, and as if the same had belonged to the said testator at the time of his decease, and had thereby become a part of his residuary estate, without any responsibility on the part of the purchaser or purchasers for the application of the purchase money or any part thereof; and such deed and conveyance shall be as valid and effectual as though express power had been given to said trustees under the will aforesaid.

SECTION 8. That so much of the sixth section of the act relating to registers and registers' courts, passed the fifteenth day of March, one thousand eight hundred and thirty-two, as provides that no letters testamentary, or of administration or otherwise, purporting to authorize any person to intermeddle with the estate of a decedent which may be granted out of this commonwealth, shall confer upon such person any of the powers and authorities possessed by an executor or administrator, under letters granted within this state, is hereby declared not to apply to any loan or loans of any incorporated company within this commonwealth; but such loan or loans shall pass and be transferable, and the interest thereon accrued and to accrue, be recoverable in like manner in all respects, and under the same and no other regulations, powers and authorities as were used and practiced before the said recited acts were passed.

Registers and registers' courts, relative to.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 440.

A SUPPLEMENT

To an act to incorporate the Presbyterian congregation of the town of Pittsburg, and the vicinity thereof, in the county of Westmoreland, passed the twenty-ninth day of September, one thousand seven hundred and eighty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* 'That from and after the passage of this act, the corporate name and title of Presbyterian the trustees of the Presbyterian congregation of Pittsburg, and the vicinity thereof, in the county of Westmoreland, shall be and the same is hereby changed to the trustees of the First Presbyterian church of Pittsburg. *Pittsburg and vicinity, name changed.*

SECTION 2. That the rent now in arrear and unpaid on any pew or pews of the said church, or which shall hereafter be in arrear and unpaid for and during the period of one year, shall be a lien upon such lien. *Rent in arrears for pews, to be a lien.*

thereupon shall give notice in two newspapers printed in the city of Philadelphia, for one week, of the time and place when and where the said book will be opened to receive subscriptions for the stock of said company; at which time and place two or more of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said book, in their own names, or in the names of any other persons who shall authorize the same, for shares of the said stock, upon paying an instalment of two dollars on each share of stock so by them subscribed; and the said book shall be kept open, for the purpose aforesaid, three hours each day for two successive days, or until the whole number of ten thousand shares shall have been subscribed; and if at the expiration of the said two days the whole of the ten thousand shares of stock shall not have been subscribed, the commissioners may meet from time to time until the whole may be subscribed for.

SECTION 2. When one thousand shares or more of the said stock shall be subscribed, and the sum of two dollars paid on each share so subscribed, the commissioners or a majority of them shall certify to the governor, under their hands and seals, the names of the subscribers, the number of shares subscribed, and the sum of money paid thereon by each; whereupon the governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscriptions be not for the full number of ten thousand shares at the time, then also those who may thereafter subscribe for the residue of the shares as aforesaid, into a body politic and corporate, in fact and in law, by the name, style and title of "The Southern gas company;" and by the same name the said subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able and capable to sue and be sued, implead and impleaded in any court of record or elsewhere; and to purchase, receive, have, hold and enjoy, to them and their successors, all lands, tenements and hereditaments, goods, chattels, materials, personal and real estate as may be necessary and proper for carrying into effect the objects and purposes of this incorporation, and the same from time to time to sell, exchange, mortgage, grant, alien or otherwise dispose of; and shall have power to make, ordain, establish and put in execution such laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation; to make dividends semi-annually of such portions of the profits actually made as the directors for the time being may deem proper; and also to have and use a common seal, and the same to alter and renew at pleasure; and generally to do all and singular other the matters and things which to them it shall lawfully appertain to do for the well being and government of the said corporation; and the said corporation shall have power and authority to erect suitable works for the manufacture of carburetted, hydrogen or any other inflammable gas, from bituminous coal or any other material, for public and private illumination; to lay pipes in all or any of the streets, lanes or alleys of all that portion of the county of Philadelphia lying south of Cedar street, and also to lay pipes in the said Cedar street: *Provided*, That when any of the public highways shall be broken up or disturbed by the said corporation, for the introduction of gas, the same shall be repaired as soon as practicable by the company, at their own expense, under the superintendence of the authorized agents of the district where the said highway may be so broken up or disturbed as aforesaid.

SECTION 3. Within sixty days after the issuing of the letters patent, the commissioners, or majority of them, shall give at least ten days' notice, to be published in two daily newspapers of the city of Phila-

Organization.	delphia, of the time and place by them appointed for the said subscribers to meet, for the purpose of organizing said company by holding an election, to choose, by a majority of votes of the said subscribers then present, seven directors, (being stockholders,) who shall hold their offices until the second Monday in April next succeeding their election; and annually thereafter, on the second Monday in April in each year, the stockholders shall elect seven directors, who shall have the management of the affairs of the company: the directors for the time being shall be empowered to fill any vacancy which may occur in their board, and each stockholder shall be entitled, at any election or meeting of the company, to vote in the following manner: for one share one vote; for three shares two votes; for six shares three votes; for ten shares four votes; for sixteen shares five votes; for twenty-five shares six votes; for thirty-five shares seven votes; for fifty shares eight votes; for seventy-five shares nine votes; for one hundred shares and upwards ten votes: the directors shall choose annually from their number a president; and they shall have power to erect works, make contracts, adopt by-laws, elect officers, and do all other things needful to carry into effect the objects of this act: they shall keep accurate accounts of their receipts and expenditures, and shall submit to the stockholders, at their annual meeting in April, a report of the condition of the company: <i>Provided</i>, That the treasurer to be elected by the directors shall be a stockholder of the company, and shall give a bond with sufficient sureties to the satisfaction of the directors, conditioned for the faithful performance of the duties of his office: <i>Provided also</i>, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election of said company, unless the whole sum due and payable at the time of such election, on the shares by him or her held, shall have been fully paid and discharged.
Annual election.	
Board of directors.	
Powers.	
Officers.	SECTION 4. The said directors shall make out certificates of stock, signed by the president, and countersigned by the treasurer, and sealed with the corporate seal of the company, and deliver one such certificate to each subscriber for any share or number of shares by him or her held; which certificates shall be transferable in person or by attorney on the books of the said company: <i>Provided</i>, That no such transfer shall be made until all sums due at the time of such transfer upon the stock intended to be transferred shall be fully paid; and the assignee of said stock shall hold it subject to all payments thereafter to become due thereon. SECTION 5. The number of shares of said company shall consist of ten thousand, but may be increased to twenty thousand; notice of the requisition of the instalments due on the capital stock shall be given by the directors, in two of the daily newspapers of the city of Philadelphia, fifteen days before the same shall become due and payable; and should any of the stockholders neglect or refuse to pay the said instalments within ten days after the same shall become due and payable, the amount previously paid on such stock shall become forfeited to the company, and said stock may be sold by the directors to any person for such price as can be obtained for the same. SECTION 6. The commissioners of the district of Moyamensing may subscribe for any number of shares in said company, not exceeding six hundred shares in all, and not exceeding three hundred shares in any one year; and the said commissioners of the district of Moyamensing are hereby authorized to contract with the said company for the sale of such property and materials as may have been purchased by said district for the introduction of gas, at such price as may be agreed upon between them; and the said commissioners shall pay, and the said com-
Certificates of stock.	
Transferable.	
Number of shares.	
Commissioners of Moyamensing may subscribe to stock of said company.	

pany shall receive the property and materials aforesaid, at such price as shall have been agreed upon between them as aforesaid, in payment on account of the subscription of the said commissioners to the stock of the said company.

SECTION 7. If the said directors shall deem it inexpedient to erect works for the manufacture of gas, they are hereby empowered to employ the capital thereof, or as much as may be deemed necessary, in laying pipe for the distribution of gas for public and private illumination, and to contract for and purchase from any other person or persons or corporation, the gas to be sold by them: *Provided*, That said company shall not erect works or lay pipes through any portion of the district of Southwark. Power to erect works.

SECTION 8. Any person or persons who shall wilfully injure any part or parts of the works of said company, or any pipe of the same, or shall interfere with any of the rules and regulations of the said company, so as to endanger the property of any person, or inflict injury upon this corporation, shall be deemed guilty of a misdemeanor, and upon conviction of the same before any alderman, justice of the peace, or other authorized officer, shall be fined a sum not less than ten nor more than fifty dollars for every such offence. Penalty for injuries to company's works.

SECTION 9. If the said company shall not carry into operation the objects of their charter within the term of three years from the passing of this act, then this charter shall become null and void. Objects of their charter to be carried into operation within three years.

SECTION 10. That the county commissioners of the county of Philadelphia, shall be required to provide a suitable office for the transaction of the business of the appraisers of tavern licenses, and the appraisers of mercantile taxes, the expense thereof not to exceed one hundred and fifty dollars per annum, to be paid by the treasurer of said county, out of any moneys belonging to the commonwealth which may be in his hands; and the auditor general shall allow the same in auditing the accounts of said treasurer: *Provided*, That the amount paid by the said treasurer for printing blanks and stationery for said appraisers, shall not exceed fifty dollars per annum. Provision for the office of appraisers of tavern licenses and mercantile taxes.

SECTION 11. That the authority given to municipal corporations to subscribe to the stock of the Pennsylvania railroad company, by the supplement to an act, entitled "An Act to incorporate the Pennsylvania railroad company," approved March twenty-seventh, one thousand eight hundred and forty-eight, shall be granted by a majority of the board of commissioners of the several districts therein referred to: *Provided*, Said railroad company will take in payment of such subscriptions, the certificates of loan of said corporation at par, which certificates shall be exempt from taxation except for state purposes. Pennsylvania railroad, relative to subscriptions to, by municipal corporations.

J. S. MCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 442.

A SUPPLEMENT

To an act, entitled "An Act to create a sinking fund, and to provide for the gradual and certain extinguishment of the debt of the commonwealth;" and to authorize a loan.

Construing the 10th section of certain act relative to stocks or loans standing in name of decedent, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the tenth section of the act to which this is a supplement, passed the tenth day of April, one thousand eight hundred and forty-nine, shall not be held to apply to the cases of stocks or loans standing in the name of a decedent, or in trust for a decedent, when such decedent may have died previous to the passage of said act.

Rates of license for billiard rooms, bowling saloon and ten-pin alleys.

SECTION 2. That no license shall be hereafter granted to any person who may keep a billiard room, bowling saloon, or nine or ten pin alley, under the nineteenth section of the said act to which this is a supplement, unless such person shall pay, in the city and incorporated districts of the county of Philadelphia and city of Pittsburg, for such license, at the rate of one hundred dollars for the first billiard table, bowling alley, or nine or ten-pin alley, and ten dollars for each and every additional billiard table, bowling alley, or nine or ten-pin alley, in any one establishment used for any such purposes; and in the other counties of this commonwealth and the unincorporated townships of the county of Philadelphia, the sum of thirty dollars for the first table and alley as aforesaid, and ten dollars for each additional table or alley; and no such license shall be granted for a longer period than one year: any person keeping such billiard room, bowling saloon, or nine or ten-pin alley, without license, shall be liable to the same penalties and liabilities provided by the said nineteenth section of the act to which this is a supplement, for persons offending against the same; but this section shall not be construed to prohibit billiard tables, or bowling or nine or ten-pin alleys connected with hospitals or asylums, or other institutions for the relief of the insane or diseased, or to private individuals who have such ten-pin alleys on their own premises, and not used for pay or public use.

License of vendors of malt liquors in the city and county of Philadelphia.

SECTION 3. That hereafter all vendors of malt liquors in the city and county of Philadelphia, by less measures than ten gallons, shall be classified in the same manner, and be required to pay the same annual license fee as is now required to be paid by retailers of spirituous liquors.

Fines and forfeiture.

SECTION 4. That one moiety of the fines and forfeitures in money, accruing under the nineteenth section of the act to which this is a supplement, and under the second section of this act, shall hereafter be appropriated to and for the use of the person or persons who shall prosecute in such cases, and the other moiety of the same shall be for the benefit of the commonwealth; and that nothing in the said act to which this is a supplement, or in the present act, shall be construed by any court or judicial tribunal to repeal any law in force at the time of passing the said act to which this is a supplement, imposing any penalty or penalties upon gambling or unlawful gaming.

SECTION 5. That hereafter the price of a theatre or circus license, or museum, or any other place for theatrical representations, shall be in the city and county of Philadelphia, five hundred dollars, and in the county of Allegheny, two hundred dollars, and for each and every other county of this commonwealth within the bounds of which such theatre or circus may be shown, held or exhibited, the sum of fifty dollars; and the price of a menagerie license shall be in the city and county of Philadelphia, two hundred dollars, in the county of Allegheny, one hundred dollars, and for each and every other county of this commonwealth within the bounds of which such menagerie may be exhibited or shown, the sum of thirty dollars; such licenses shall be granted according to the provisions of the second section of the act of the sixteenth day of April, one thousand eight hundred and forty-five, by the treasurer of the proper county, upon receiving the price of the same, but no such license shall entitle the party who shall receive it, to make any such exhibition, except within the county for which the same shall be granted; and if any person or persons shall attempt to show, hold or exhibit any such theatre, circus or menagerie within any city or county of this commonwealth, without such license as aforesaid, he or they so offending shall be liable to indictment, and on conviction thereof, shall pay for every such offence, a fine not less than two hundred dollars, nor greater than one thousand dollars, at the discretion of the court trying the said offence.

Rates of license
for museums,
circuses, &c.

SECTION 6. That the penalty inflicted by the first section of the act of assembly, entitled "An Act for the prevention of vice and immorality and unlawful gaming, and to restrain disorderly sports and dissipation," shall hereafter be paid into the treasury of the commonwealth of Pennsylvania, for the use of the sinking fund.

Certain penalties
to be paid into
the state treasury

SECTION 7. That hereafter all stock brokers, bill brokers, exchange brokers, merchandize brokers and real estate brokers, in each and every city and county of this commonwealth, shall be required to pay annually to the use of the commonwealth, for their respective commissions or licenses granted in pursuance of the several acts of assembly now in force relating to the same, upon their annual receipts from commissions, discounts, abatements, allowances or other similar means in the transaction of their business, three per cent.

Stock brokers,
bill brokers, &c.,
to pay certain
per centage.

SECTION 8. That the appraisers of mercantile taxes appointed under the fifth section of the act of the sixteenth day of April, one thousand eight hundred and forty-five, entitled "An Act to increase the revenues and diminish the legislative expenses of the commonwealth," be and they are hereby authorized and required to ascertain and assess the several brokers aforesaid, according to the amount of business done by them respectively, in the same manner as is required of them with regard to venders of merchandize; and the said several brokers shall be entitled to the same proceedings, on an allegation that they are not properly taxed, as are now provided by the seventh section of the said last recited act in the cases of venders of merchandize.

Appraisers of
mercantile taxes
to assess the bro-
kers aforesaid,
&c.

SECTION 9. Nothing in this act shall be held or taken to repeal any obligation, liability, penalty, or duty imposed upon any broker by any existing law of this commonwealth, except only so far as the amount of the tax for a commission or license: *Provided*, That in classing said brokers, when any individual or copartnership desires to obtain a commission or license to carry on business at the same time in more than one of the kind of brokers named in the first part of the sixth section of this act, the amount of the annual receipts of said individual or copartnership, in each particular order, shall be estimated for the purpose of fixing the class as aforesaid, and separate commissions and

Nothing in this
act to be held to
repeal any obli-
gation, &c.

licenses shall be issued for each kind of brokers as now provided by law.

State treasurer
authorized to re-
ceive certificates
of state stock at
par value.

SECTION 10. That it shall be lawful for the state treasurer, during one year hereafter, to receive, at the par value, duly transferred certificates of state stock and of state indebtedness, in payment of all debts due the commonwealth previous to the first day of January, one thousand eight hundred and fifty, from defaulting public officers in all cases where it may be necessary to enforce the payment of such debts against the sureties of such defaulting public officers, and in which said treasurer and auditor general shall be satisfied that such defaulting officer is insolvent, or of doubtful solvency.

Governor author-
ized to negotiate
a loan.

SECTION 11. That the governor is hereby authorized to negotiate a loan for the sum of three millions three hundred thousand dollars, redeemable in thirty years from the date of the subscription thereof, at a rate of interest not exceeding four per centum per annum, payable in gold and silver semi-annually upon the first days of February and August of each year, and exempt from every species of taxation; notice that proposals for said loan will be received, shall be published in at least one newspaper in the borough of Harrisburg, in the cities of Pittsburg, Lancaster and Philadelphia, and in the cities of New York, Boston and Baltimore, for a period not less than three months before the opening of said proposals, and by letter elsewhere, if deemed necessary; and upon the day assigned for that purpose in such notice, the proposals shall be opened in the presence of the governor, the secretary of the commonwealth and the auditor general, and the loan shall be awarded to the highest bidder or bidders: if the amount of the bids shall exceed the amount of said loan, the same shall be distributed, pro rata, amongst the highest bidders; but if the whole of said loan shall not then be taken, the governor may renew notice in the manner aforesaid, from time to time, till the whole amount of said loan shall be subscribed: no conditional bids shall be considered; and upon awarding such loan, or any part thereof, certificates with coupons for interest shall be issued therefor by the auditor general.

Appropriation of
said loan.

SECTION 12. If the said loan shall be subscribed, it shall be and it is hereby appropriated for the payment and extinguishment of the funded debt of this commonwealth now due, or to become due during the year one thousand eight hundred and fifty, and for the payment of the sum of eighty-five thousand one hundred and four dollars and eighty-eight cents due to domestic creditors.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 443.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the York gas company; to collectors of corporation and poor taxes in Philadelphia county; and to side-walks in Mount Airy, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly* York gas com-
met, and it is hereby enacted by the authority of the same, That pany authorized
 the York gas company be and is hereby authorized to increase the capi- to increase capi-
 tal stock of the said company to an amount not exceeding four hundred tal stock.
 additional shares.

SECTION 2. That the persons who shall be elected by the qualified Corporation and
 voters of the several wards in the incorporated districts in the county poor taxes in the
 of Philadelphia, to collect state and county taxes as now provided for incorporated dis-
 by law, shall have power and authority to collect corporation and poor tricts in the coun-
 taxes; and in addition to the security now required to be given in the ty of Philadel-
 case of the collection of state and county taxes, every collector shall phia, relative to
 give security for the corporation tax, to be approved by the commis- the collection of.
 sioners of the proper district, and for the poor tax to be approved by
 the guardians of the poor.

SECTION 3. That the commissioners authorized to grade, pave and Germantown and
 curb the side-walks on the Germantown and Perkiomen turnpike road, Perkiomen turn-
 in the Upper ward of Germantown, between Carpenter and Gorgas pike road com-
 streets, and Allen's lane at Mount Airy, under the second section of an pany not to re-
 act passed the sixth day of April, one thousand eight hundred and fifty, move any wall
 entitled "An Act relative to the Upper ward Germantown, and to the already in use,
 boundary line of the district of Kensington, in the county of Philadel- &c.
 phia, and declaring the Oswego creek, in the county of Potter, a pub-
 lic highway," shall not remove any wall already in use either as a curb
 wall or as a dividing line for the side-walk: *Provided,* That the side-
 walk is ten feet wide, nor shall they remove any ornamental or shade
 trees along said side-walk.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 444.

A SUPPLEMENT

To the act relative to the Tioga navigation company; authorizing the managers of the Columbia and Marietta turnpike road company to borrow money; and relative to tavern licenses in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time for dissenting to the act for the relief of the creditors of the Tioga navigation company, passed the sixth day of April, one thousand eight hundred and fifty, as specified by the third section of said act, be and is hereby extended to the first day of August, one thousand eight hundred and fifty, and the time for publishing said act directed in the eighth section thereof, is hereby extended to the fifteenth of June, one thousand eight hundred and fifty.

Time for dissenting to the act for the relief of the Tioga navigation company, extended.

Columbia and Marietta turnpike road company authorized to borrow money.

SECTION 2. That the president and managers of the Columbia and Marietta turnpike road company are hereby authorized to borrow any sum of money, not exceeding two thousand dollars, for the purpose of completing said road.

Relative to the granting of tavern licenses in the city and county of Philadelphia.

SECTION 3. That the second section of the act passed April sixteenth, one thousand eight hundred and forty-nine, entitled "An Act to change the mode of granting tavern licenses in the city and county of Philadelphia," shall not be so construed as to prevent applicants for license from appearing before any alderman of the city or county of Philadelphia, to qualify their securities.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 445.

A N A C T

To fix the number of senators and representatives, and form the state into districts, in pursuance of the provisions of the constitution.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That until the next enumeration of the taxable inhabitants, and an apportionment thereon, the senate, at a ratio of fourteen thousand seven hundred and forty-three, shall consist of thirty-three members, and be apportioned as follows, to wit:

I. The city of Philadelphia shall compose the first district and elect two members.

II. The county of Philadelphia shall compose the second district and elect three members.

III. The county of Montgomery shall compose the third district and elect one member.

IV. The counties of Chester and Delaware shall compose the fourth district and elect one member.

V. The county of Berks shall compose the fifth district and elect one member.

VI. The county of Bucks shall compose the sixth district and elect one member.

VII. The counties of Lancaster and Lebanon shall compose the seventh district and elect two members.

VIII. The counties of Northumberland and Dauphin shall compose the eighth district and elect one member.

IX. The counties of Northampton and Lehigh shall compose the ninth district and elect one member.

X. The counties of Carbon, Monroe, Pike and Wayne shall compose the tenth district and elect one member.

XI. The counties of Adams and Franklin shall compose the eleventh district and elect one member.

XII. The county of York shall compose the twelfth district and elect one member.

XIII. The counties of Cumberland and Perry shall compose the thirteenth district and elect one member.

XIV. The counties of Centre, Lycoming, Sullivan and Clinton shall compose the fourteenth district and elect one member.

XV. The counties of Blair, Cambria and Huntingdon shall compose the fifteenth district and elect one member.

XVI. The counties of Luzerne, Montour and Columbia shall compose the sixteenth district and elect one member.

XVII. The counties of Bradford, Susquehanna and Wyoming shall compose the seventeenth district and elect one member.

XVIII. The counties of Tioga, Potter, M'Kean, Elk, Clearfield and Jefferson shall compose the eighteenth district and elect one member.

XIX. The counties of Mercer, Venango and Warren shall compose the nineteenth district and elect one member.

XX. The counties of Erie and Crawford shall compose the twentieth district and elect one member.

XXI. The counties of Butler, Beaver and Lawrence shall compose the twenty-first district and elect one member.

XXII. The county of Allegheny shall compose the twenty-second district and elect two members.

XXIII. The counties of Washington and Greene shall compose the twenty-third district and elect one member.

XXIV. The counties of Bedford and Somerset shall compose the twenty-fourth district and elect one member.

XXV. The counties of Armstrong, Indiana and Clarion shall compose the twenty-fifth district and elect one member.

XXVI. The counties of Juniata, Mifflin and Union shall compose the twenty-sixth district and elect one member.

XXVII. The counties of Westmoreland and Fayette shall compose the twenty-seventh district and elect one member.

XXVIII. The county of Schuylkill shall compose the twenty-eighth district and elect one member.

Return judges'
duties.

SECTION 2. In those districts which are composed of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within such county, in such manner as is or may be directed by law, shall send the same by one of their number to the place hereinafter mentioned within the district of which such county is a part, when the judges so met shall cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district, to wit:

The judges of the first and second districts shall meet at the state house in the city of Philadelphia.

The judges of the third district will meet at the court house in the borough of Norristown, in Montgomery county.

The judges of the fourth district shall meet at the court house in the borough of West Chester, in the county of Chester.

The judges of the fifth district shall meet at the court house in the city of Reading, in the county of Berks.

The judges of the sixth district shall meet at the court house in the borough of Doylestown, in the county of Bucks.

The judges of the seventh district shall meet at the court house in the city of Lancaster.

The judges of the eighth district shall meet at the court house in the borough of Harrisburg, in the county of Dauphin.

The judges of the ninth district shall meet at the court house in the borough of Easton, in the county of Northampton.

The judges of the tenth district shall meet at the court house in the borough of Stroudsburg, in the county of Monroe.

The judges of the eleventh district shall meet at the court house in the borough of Chambersburg, in the county of Franklin.

The judges of the twelfth district shall meet at the court house in the borough of York, in the county of York.

The judges of the thirteenth district shall meet at the court house in the borough of Carlisle, in the county of Cumberland.

The judges of the fourteenth district shall meet at the court house in the borough of Williamsport, in the county of Lycoming.

The judges of the fifteenth district shall meet at the court house in the borough of Hollidaysburg, in the county of Blair.

The judges of the sixteenth district shall meet at the court house in the borough of Bloomsburg, in the county Columbia.

The judges of the seventeenth district shall meet at the court house in the borough of Montrose, in the county of Susquehanna.

The judges of the eighteenth district shall meet at the court house in the borough of Coudersport, in the county of Potter.

The judges of the nineteenth district shall meet at the court house in the borough of Franklin, in the county of Venango.

The judges of the twentieth district shall meet at the court house in the borough of Erie, in the county of the Erie.

The judges of the twenty-first district shall meet at the court house in the borough of New Castle, in the county of Lawrence.

The judges of the twenty-second district shall meet at the court house in the city of Pittsburg, in the county of Allegheny.

The judges of the twenty-third district shall meet at the court house in the borough of Washington, in the county of Washington.

The judges of the twenty-fourth district shall meet at the court house in the borough of Somerset, in the county of Somerset.

The judges of the twenty-fifth district shall meet at the court house in the borough of Kittanning, in the county of Armstrong.

The judges of the twenty-sixth district shall meet at the court house in the borough of Lewistown, in the county of Mifflin.

The judges of the twenty-seventh district shall meet at the court house in the borough of Greensburg, in the county of Westmoreland.

The judges of the twenty-eighth district shall meet at the court house in the borough of Orwigsburg, in the county of Schuylkill.

SECTION 3. That until the next enumeration of taxables, and apportionment thereon made, the house of representatives, a ratio for house of representa-
four thousand eight hundred and sixty-five, shall consist of one hundred tives.
members, to wit :

The county of Adams shall be entitled to one member.

The county Allegheny to five members.

The counties of Bedford and Cambria to two members, and the return judges shall meet at the court house in the borough of Bedford, in the county of Bedford.

The county of Berks to four members.

The county of Bucks to three members.

The counties of Beaver, Butler and Lawrence to three members, and the return judges shall meet at the court house in the borough of New Castle, in the county of Lawrence.

The counties of Blair and Huntingdon to two members, and the return judges shall meet at the court house in the borough of Huntingdon, in the county of Huntingdon.

The county of Bradford to two members.

The county of Chester shall be entitled to three members.

The county of Cumberland shall be entitled to two members.

The county of Centre to one member.

The counties of Clearfield, Elk and McKean to one member, and the return judges shall meet at the court house in Ridgway, in the county of Elk.

The counties of Armstrong, Clarion and Jefferson to three members, and the return judges shall meet at the court house in the borough of Clarion, in the county of Clarion.

The counties of Columbia and Montour shall be entitled to one member, and the return judges shall meet at the court house in the borough of Bloomsburg, in Columbia county.

The county of Dauphin shall be entitled to two members.

The county of Delaware to one member.

The county of Erie to two members.

The county of Washington to two members.

The counties of Fayette and Westmoreland to four members, and the return judges shall meet in the court house in the borough of Greensburg, in the county of Westmoreland.

The county of Franklin to two members.

The county of Indiana to one member.

The county of Lebanon to one member.

The counties of Lycoming, Clinton and Potter to two members, and the return judges shall meet at the court house in the borough of Williamsport, in the county of Lycoming.

The county of Lancaster to five members.

The county of Luzerne shall be entitled to two members.

The counties of Lehigh and Carbon to two members, and the return judges shall meet at the court house in Allentown, in the county of Lehigh.

The counties of Monroe and Pike shall be entitled to one member, and the return judges shall meet at the court house in the borough of Milford, in the county of Pike.

The counties of Mercer, Venango and Warren shall be entitled to three members, and the return judges shall meet at the court house in the borough of Franklin, in the county of Venango.

The county of Crawford shall be entitled to two members.

The county of Mifflin to one member.

The county of Montgomery shall be entitled to three members.

The county of Northampton to two members.

The county of Northumberland to one member.

The county of Perry to one member.

The city of Philadelphia shall be entitled to four members.

The county of Philadelphia to eleven members.

The county of Somerset to one member.

The county of Schuylkill to two members.

The counties of Susquehanna, Sullivan and Wyoming to two members, and the return judges shall meet at the court house in the borough of Montrose, in the county of Susquehanna.

The county of Tioga to one member.

The county of Wayne to one member.

The county of Greene to one member.

The counties of Union and Juniata to one member, and the return judges shall meet at the court house in the town of New Berlin, in the county of Union.

The county of York shall be entitled to three members.

Manner of election. SECTION 4. The senators and representatives shall be chosen by the duly qualified citizens of the city of Philadelphia and the several counties of this commonwealth, at the time, manner and places prescribed by the constitution and the laws of this commonwealth.

Time of choosing senators. SECTION 5. The senators shall be chosen in the several districts, at the following times, to wit :

In the first district, one senator shall be chosen at the general election in the year of our Lord, one thousand eight hundred and fifty, and one senator in the year one thousand eight hundred and fifty-one.

In the second district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty, and one at the general election in the year one thousand eight hundred and fifty-one, and one at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the third district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the fourth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-one.

In the fifth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the sixth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the seventh district, two senators shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-one.

In the eighth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-one.

In the ninth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the tenth district, one senator shall be chosen in the year of our Lord one thousand eight hundred and fifty one.

In the eleventh district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty.

In the twelfth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the thirteenth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty.

In the fourteenth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the fifteenth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty.

In the sixteenth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty.

In the seventeenth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty.

In the eighteenth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the nineteenth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty.

In the twentieth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the twenty-first district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty.

In the twenty-second district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty, and one at the general election in the year of our Lord one thousand eight hundred and fifty-two.

In the twenty-third district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-one.

In the twenty-fourth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-one.

In the twenty-fifth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty.

In the twenty-sixth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-one.

In the twenty-seventh district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-one.

In the twenty-eighth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty two.

J. S. M'CALMONT,
Speaker of the House of Representatives.
 V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 446.

AN ACT

To authorize the governor to incorporate the Lock Haven bridge company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. George W. Hollenbake, Jacob Grafius, E. L. Shultze, L. A. Mackey, William C. Sanderson, George Schnable, Allison White, J. P. Huling, Peter Dickinson, J. A. Crawford, D. K. Jackman, William White, Joseph Hanna, Nathaniel Hanna, James T. Hale, James Burnside, Samuel M'Cormick, Jarid H. Irwin, John S. Forst, John Fleming, John P. Packer, J. C. King and Philip Krebs, be and they are hereby appointed commissioners to do and perform the several duties herein-after mentioned; that is to say, they shall, on or before the first day of August next, procure one or more books, and therein enter as follows:

Form of sub-
 scription. "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company for the erection of a bridge over the West Branch of the Susquehanna river, in the pool of the Dunnstown dam at Lock Haven, the sum of twenty-five dollars for every share of stock in the said company, set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers in pursuance of an act of the general assembly, entitled "An Act to authorize the governor to incorporate the Lock Haven bridge company," and shall thereupon proceed to receive subscriptions for the stock of the said company, at such times and places as they shall think proper: *Provided always,* That every person so subscribing in his own name, or in the name of any other person, shall previously pay to the attending commissioners one dollar for every share so subscribed; out of which shall be paid the expense of taking such subscriptions, and other incidental charges, and the remainder shall

Provide.

be paid over to the treasurer of the corporation as soon as the same shall have been organized agreeably to the provisions of this act.

SECTION 2. When fifteen or more persons shall have subscribed four hundred shares of the said stock, the said commissioners shall certify under their hands and seals to the governor of the commonwealth the names of the subscribers and the number of shares subscribed; and thereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the said subscribers, and also all those who may afterwards subscribe, into one body corporate and politic, in deed and in law, by the name, style and title of "The Lock Haven bridge company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of taking, purchasing and holding to them and their successors in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

SECTION 3. The first named ten persons in the letters patent, shall, so soon as conveniently may be after sealing the same, give notice in any one newspaper of the county of Clinton, of a time and place to be by them appointed, not less than twenty days from the time of the issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of votes of the said subscribers, by ballot, either in person or by proxy, duly authorized, one president and six managers, one treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, and until other officers shall be duly chosen; and may make such by-laws, rules and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering of the affairs of said company: *Provided*, That each person shall be entitled to one vote for every share not exceeding ten, and two votes for every five shares above ten and not exceeding forty; but no stockholder shall be entitled to more than twenty-six votes.

SECTION 4. The stockholders shall meet on the first Monday in January in each succeeding year, at such place as shall be fixed by the rules and regulations of the said company, to be made as aforesaid, for the purpose of choosing officers as aforesaid for the ensuing year.

SECTION 5. The president and managers first chosen shall procure printed certificates for all the shares of stock of the said company, and shall deliver one such certificate signed by the president and countersigned by the treasurer and sealed with the seal of the corporation, to each subscriber for the share or shares held by him, on paying to the treasurer the amount of such share so held; which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer; and the assignee holding such certificate, having first caused the assignment to be entered on the books of the company kept for that purpose, shall become a member of the corporation.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; and at such meeting five members shall be a quo-

Letters patent.

Style.

Privileges.

Organization.

Officers.

Provido.

Meeting of stockholders.

Certificates of stock.

Transferable.

President and managers.

Quorum.

Duties.

Proviso.

Forfeiture of
stock.

Accounts.

Tolls.

rum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions entered in a book; and a quorum being met they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary to carry on their work hereby authorized, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys to pay the salaries of persons by them employed, and for materials furnished and labor done, which orders shall be signed by the president and countersigned by the clerk, and to do and transact all such other matters and things as by the by-laws, orders and regulations of said company shall be committed to them: *Provided*, That before said company shall enter upon any land or lands for the construction of said bridge, a just and fair compensation shall be made to the owner or owners thereof, or adequate security entered therefor: *And provided further*, That said bridge shall be so constructed as not to interfere with the navigation of the river.

SECTION 7. If any stockholder, after thirty days' notice given in one newspaper of Clinton county, of the time and place of paying any instalment which may be called for, shall neglect to pay such instalment for the space of sixty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for every delay of such payment; and if the same and additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons, and for such price as can be obtained therefor.

SECTION 8. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from said commissioners, and from the subscribers to the said company; and of all penalties for the delay in the payment of stock; and of the amount of profits on shares that may be forfeited as aforesaid; and also all moneys by them expended in the prosecution of said work; and shall at least once in each year submit such accounts to a general meeting of the stockholders, until the said bridge shall have been completed, and until all the costs, charges and expenses of effecting the same shall have been fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if upon such liquidation, or whenever the stock of said company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase their number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as is hereinbefore provided for the original subscription.

SECTION 9. When a complete bridge shall have been erected over the West Branch of the Susquehanna river, in the pool of the Dunstown dam aforesaid, the property of said bridge shall be vested in the said company aforesaid, their successors and assigns forever; and the said company, their successors and assigns, may demand and receive toll from travelers and others not exceeding the following rates, to wit: for every carriage, of whatever description, used for the purpose of trade

or agriculture, having four wheels and drawn by four horses, sixty cents; for every such carriage drawn by two horses, forty cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, and drawn by four horses, eighty cents; for every such carriage drawn by two horses, fifty cents; for every dearborn wagon, and for every chair or other two wheeled carriage of pleasure drawn by one horse, twenty five cents; for every such sleigh or sled drawn by one horse, twenty cents; for every sleigh or sled drawn by two horses, forty cents; for every sleigh or sled drawn by four horses, eighty cents; every horse with a rider, ten cents; every carriage drawn by oxen, or partly by horses and partly by oxen, to be rated in proportion of two oxen for one horse; and in all cases a mule shall be rated the same as a horse; for every horse without a rider, four cents; for every score of sheep or swine, twelve cents; for every head of horned or muley cattle, two cents; and for every foot passenger, four cents: *Provided*, That any person or persons attending funerals, going to or returning from divine worship on the Sabbath day, all persons going to or returning from elections or military trainings, and students or children attending a school or seminary of learning, shall at all times be exempt from the payment of any toll: *And provided further*, That before the said company shall commence to receive toll from travelers and others, a just and fair compensation shall be made to the owners of the public ferries at Lock Haven and Lockport, where said bridge is to be erected, for the value of the said ferries, and for all damages occasioned to the said owners by reason of the erection of the said bridge, the amount to be ascertained by three disinterested persons, to be appointed by the court of common pleas of Clinton county, whose award shall be entered of record in said court, from which either party may appeal to the said court, in the same manner as from an award of arbitrators entered under the compulsory arbitration law; and said appeal, when duly entered, shall thereafter be prosecuted in said court as if the same had been an original action brought therein.

SECTION 10. If the said company, their successors and assigns, or whoever may possess or own the said bridge, shall demand or receive any greater rates or prices for passing over the said bridge than hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending shall for every such offence forfeit and pay the sum of ten dollars, one moiety thereof for the poor of Lock Haven, and the other moiety for the use of the person who may sue for the same: *Provided*, That no suit nor action shall be brought for the purposes aforesaid, unless the same shall have been instituted within six months after such offence shall have been committed.

SECTION 11. The president, managers and company shall keep a just and true account of all moneys received by the several collectors of tolls for crossing the said bridge, and declare a dividend of the profits and income thereof among all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund to provide against the decay and for the rebuilding and repairing the said bridge; and shall, on the first Monday of April and October in every year, publish the dividend of the said clear profits among the stockholders, and give notice of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly; and the president and managers of the aforesaid company shall annually, on the first Monday of De-

ember, transmit to the auditor general a full statement of their affairs, under oath.

Towing path.

SECTION 12. It shall be the duty of the said company in the construction of the said bridge, to connect with it a good and substantial towing-path for the purpose of towing boats and other craft across the pool of the Dunnstown dam, the same to be constructed under the direction and approved of by the canal commissioners; and when the said towing path bridge shall be completed and approved of as aforesaid, the said company are hereby authorized to demand and receive for every boat towed across the said pool by means of the bridge aforesaid, the sum of fifty cents.

When common-wealth may purchase bridge.

SECTION 13. At any time after the expiration of twenty years from the time of completing said bridge, it shall be lawful for the common-wealth to purchase the same, by paying to the said company a sum of money which, together with the dividends declared, shall equal the cost of constructing said bridge, and ten per cent. per annum interest thereon.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourth day of March, Anno Domini, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 447.

AN ACT

Incorporating the Shrewsbury Savings Institution; relative to cemeteries in North Penn township, and to the directors of the poor of Dauphin county.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That doctor James Gerry, Robert Richey, Henry Latimer, Eli S. Beck, Josiah V. Hashour, Isaac Koller, Robert Fife, John Beck, Michael Dowdle, William H. Kurtz, Daniel Hartman, doctor H. G. Bussey, Robert J. Fisher, Andrew Wallace, Edie Patterson, Adam Ebaugh, Robert Gemmill, John Manifold, Henry Hammond, Philip Shaeffer, George Klinefelter, Jacob Bortner, Jesse Wentz, Nicholas Seitz, Jacob N. Hildebrandt, Joseph M. Hendrix, and all and every person or persons hereafter becoming members of the Shrewsbury Savings Institution in the manner hereinafter mentioned, shall be and are hereby created and made a corporation and body politic, by the name and style of "The Shrewsbury Savings Institution," and by that name shall have succession, and be capable by law to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and to be answered and defended in courts of law and equity, or in any other

Style.

Privileges.

place whatsoever, and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and to make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every act or thing necessary to carry into effect the provisions of this act, and promote the object and design of said corporation.

SECTION 2. The object of this corporation shall be to receive from time to time, and at all times from all persons disposed to entrust them therewith, such funds as may be deposited with them, and for which they shall pay to the depositors such rates of interest as may be from time to time agreed upon by the directors of the said institution: *Provided*, That this charter shall continue in force until the first Monday in May, one thousand eight hundred and seventy. Object.

SECTION 3. There shall be a meeting of the members of the said Shrewsbury Savings Institution, on such day in the month of May next, at such place as the five persons first named in this act, or any three of them shall appoint, giving at least ten days' notice of such meeting in two or more papers printed in the county of York, and on such day in the month of May, and at such place annually thereafter, as the by-laws of said institution shall provide, for the purpose of choosing from among the members thirteen directors to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place; and the five first named persons shall be judges of the first election of directors, and the judges of all future elections shall be appointed by the directors for the time being, and notice of such elections given in such manner as the by-laws shall provide. Annual meeting of members.

SECTION 4. The directors for the time being, or a majority of them, shall have power to elect a president from their own body, to appoint such officers and agents as they shall deem necessary to conduct or execute the business and affairs of the institution, to fix their compensation, and in their discretion to dismiss them, to provide for the taking bonds to the corporation from all or any of the officers or agents by them so appointed, with security, conditioned in such forms as they shall prescribe for the faithful execution of their several duties, and secure the corporation in such manner as they shall deem most safe and beneficial, to provide for paying all the necessary expenses of conducting the affairs of the corporation, and generally to pass all such by laws as shall be necessary to the exercise of such powers, and of the other powers vested in said corporation by this charter, and the said by laws from time to time to alter and repeal: *Provided*, That all such by-laws as shall be made by the directors may be altered and repealed by two-thirds of the members at any annual meeting, or at any general meeting called in pursuance of any by law made for that purpose, and the majority of members may at any annual or general meeting pass by-laws which shall be binding upon the directors: *Provided*, That such by-laws shall not be contrary to the laws of this state, or of the United States. Directors.

SECTION 5. The capital of said corporation shall consist of twenty-five hundred shares, at twenty dollars each, to be subscribed for and paid in at such times and in such sums as shall be decided on by the persons herein appointed commissioners, or by a majority of such as shall attend the first stated meeting of said commissioners: *Provided*, That no individual shall be allowed to take more than one hundred shares of the stock of said corporation by subscription: in case the whole number of shares be not sold at the first opening of the books, the amount so left unsold may afterwards be disposed of at such time and place, and under such regulations as the directors for the time being may order. Officers.

To give security.

Capital.

Proviso.

Committee of examination. Report. Dividends. SECTION 6. It shall be the duty of the directors at least once in every six months, to appoint from the members of the said corporation five competent persons as a committee of examination, whose duty it shall be to investigate the affairs of said corporation, and to make a report thereof; and it shall also be the duty of the directors, on the first Monday of March and September in each and every year, to make and declare a dividend of the interest and profits of the said corporation after paying its expenses, and the same to pay over to the stockholders or their legal representatives within ten days thereafter.

May invest funds in public stocks of this state, &c. SECTION 7. The said corporation shall be authorized to invest its funds in public stocks of this state or of the United States or real securities, or in discount of notes on personal securities: *Provided*, That the rate of discount at which loans may be made by the said institution, shall not exceed one-half per centum for thirty days; and that nothing herein contained shall be so construed as to give or extend to the said institution the power of issuing its own notes.

Individual liability. SECTION 8. The stockholders of said corporation shall be individually liable for the debts and engagements thereof, in such sums as may be equal to the par value of the stock owned and held by them respectively therein.

Quarterly statement. SECTION 9. It shall be the duty of the said institution to lay before the auditor general quarterly statements, under the oath or affirmation of their president, of the affairs of the said corporation, at such time as the said officer shall designate.

Reservation. SECTION 10. The legislature hereby reserves the power to alter, revoke or annul the charter of said savings institution, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

Cemeteries in North Penn township liable to taxation for road purposes. SECTION 11. That all cemeteries in North Penn township, in the county of Philadelphia, shall hereafter be liable to taxation for road purposes, in the same manner as real estate in said township now is; and all laws inconsistent herewith, are hereby repealed, so far as they do or may exempt said cemeteries from said taxation.

Liability of the directors of the poor of Dauphin county. SECTION 12. That from and after the passage of this act the directors of the poor, and their successors, for the county of Dauphin, shall not be liable in law, nor made to pay by any process of the same, any debt contracted or incurred by any person who is or thereafter may become a pauper of said county, residing in the borough of Harrisburg, or within one mile thereof.

J. S. McCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 448.

AN ACT

To incorporate the Evangelical Lutheran congregation of the borough of Clearfield, in the county of Clearfield; and relative to election districts in Carbon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Evangelical Lutheran congregation of the borough of Clearfield and vicinity, in the county of Clearfield, are hereby erected into a body corporate, in deed and in law, by the name and style of Style. "The Evangelical Lutheran congregation of the borough of Clearfield," and by the same name shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere; and shall be able and capable in law and equity, to take and hold lands and tenements, goods and chattels of whatever kind, nature or quality, real, personal or mixed, which are now or hereafter shall become the property of the said congregation, by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell or dispose of: *Provided,* The yearly value or income of said real and personal estate shall not at any time exceed three thousand dollars: *And provided,* That the church and grave yard belonging to the said congregation, shall never be sold unless a majority of all the members of the said congregation shall consent to the sale thereof. Privileges.

SECTION 2. That the affairs of the said corporation shall be managed and superintended by trustees, to be chosen from the members of said congregation, who shall choose from among their own number, a president and secretary, and shall also choose a treasurer from among the members of the congregation, who is not a trustee, and who shall if required by the trustees, give sufficient security for the faithful discharge of his duties; and in case of the removal of the trustees by death, resignation or otherwise, the vacancy shall be supplied by the remaining trustees; and the following persons shall be the trustees until others shall be elected, to wit: Abraham Ogden, Jacob Gulich and Gerhard Philipp Gulich. Trustees. Officers. Present trustees.

SECTION 3. That the first election to be held in pursuance of this act, shall be conducted by three members of the congregation, to be chosen by the trustees, which election shall be held within one year from the passage of this act, and all subsequent elections shall be held at such times, and shall be conducted in such manner as may be prescribed by the by-laws. Elections.

SECTION 4. That the said trustees and their successors shall have power and authority to make, have and use one common seal, with such device as they shall think proper, and the same to alter at their pleasure; they shall have power to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and trans- Power of trustees. action of the business of the corporation: *Provided,* That said by-laws and ordinances shall not be inconsistent with the constitution and laws of this commonwealth or of the United States, and that the same

be approved by a majority of the regular members of the congregation at any annual meeting, or at any special meeting called for that purpose.

Mauch Chunk township divided into two election districts.

SECTION 5. The township of Mauch Chunk is hereby divided into two election districts, the mountain known as the dividing ridge between Nesquehoning and Panther creek shall be the dividing line; one to be called the Nesquehoning district, and the qualified voters thereof shall hold their elections at the house now kept by George H. Davis, and that Charles Packer shall be the judge, and William Baker and Pierce Heany shall be inspectors; and the other to be called the Summit Hill district, and the qualified voters thereof shall hold their elections at the school house in Hazard street, and Ira Cortright shall be judge, and Robert H. Sayre and Jacob R. Walton shall be inspectors, until others shall have been elected at the proper elections: *Provided however*, That nothing herein contained shall be so construed as to make either of those districts a separate school district, but shall remain as heretofore: *And provided further*, That nothing in the act passed this session, making the borough of Mauch Chunk a separate election district, shall be so construed as to make said borough a separate school district, but the borough and township of Mauch Chunk shall be and remain one school district, as if the several acts had not been passed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 449.

AN ACT

To annul the marriage contract between William A. Cannon and Caroline Cannon, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the marriage contract entered into between William A. Cannon and Caroline Cannon, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all the duties, liabilities and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEO. DARSIE,

Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to annul the marriage contract between William A. Cannon and Caroline, his wife," was presented to the governor the tenth day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.
SAM'L W. PEARSON,
Clerk of the Senate.

HARRISBURG, January 5, 1850.

No. 450.

AN ACT

To annul the marriage contract between Hugh J. Brady and Nancy, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Hugh J. Brady and Nancy, his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.*

WILLIAM F. PACKER,
Speaker of the House of Representatives.
GEO. DARSIE,
Speaker of the Senate.

We do certify that the bill, entitled "An Act to annul the marriage contract of Hugh J. Brady and Nancy Brady," was presented to the governor on the third day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.
SAM'L W. PEARSON,
Clerk of the Senate.

HARRISBURG, January 5, 1850.

No. 451.

AN ACT

To annul the marriage contract of Fithian J. Clark and Theresa Clark, and for the erection of a bridge over the Kiskiminetas river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Fithian J. Clark and Theresa Clark, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from all duties, liabilities and obligations arising therefrom, as fully and absolutely as if they had never been joined in marriage.

Fithian J. Clark
and Theresa
Clark divorced.

Act incorporating
a bridge com-
pany to erect a
bridge over the
Conemaugh at
Livermore, re-
vived.

SECTION 2. That the provisions of the act, entitled "An Act to authorize the governor to incorporate sundry bridge and turnpike road companies, and for other purposes," approved the eighth April, one thousand eight hundred and thirty-three, relative to the erection of a bridge over the Conemaugh river at Livermore, be and the same are hereby revived and continued in force as fully, to all intents and purposes, as if every section in said act contained relating to said bridge were hereby re-enacted: *Provided,* That the duties to be performed by the commissioners named in the fifty-fifth section of said act shall be done and performed by John Gallaher and John Leard, of Indiana county, and John Gallaher, of Westmoreland county.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEO. DARSIE,

Speaker of the Senate.

We do certify that the bill, entitled "An Act to annul the marriage contract of Fithian J. Clark and Theresa Clark, and for the erection of a bridge over the Kiskiminetas river," was presented to the governor on the tenth day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,

Clerk of the House of Representatives.

SAM'L W. PEARSON,

Clerk of the Senate.

HARRISBURG, January 5, 1850.

No. 452.

AN ACT

To annul the marriage contract between Andrew Nicholson and Celia Ann Nicholson, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Andrew Nicholson, of Indiana county, formerly of Westmoreland, and Celia Ann Nicholson, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage.*

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEO. DARSIE,

Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to annul the marriage contract between Andrew Nicholson and Celia Ann Nicholson, his wife," was presented to the governor on the sixth day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if it had been signed.

WM. JACK,

Clerk of the House of Representatives.

SAM'L W. PEARSON,

Clerk of the Senate.

HARRISBURG, January 5, 1850.

No. 453.

AN ACT

To annul the marriage of Henry W. Sindorf and Phebe, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the marriage contract entered into between Henry W. Sindorf, of Armstrong county, in this commonwealth, and Phebe B., his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully, effectually and absolutely as if they had never been joined in marriage.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEO. DARSIE,

Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to annul the marriage of Henry W. Sindorf and Phebe, his wife," was presented to the governor on the seventh day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if it had been signed.

WILLIAM JACK,

Clerk of the House of Representatives.

SAM'L W. PEARSON,

Clerk of the Senate.

HARRISBURG, January 5, 1850.

No. 454.

AN ACT

To annul the marriage contract between John M'Neil and Hester Ann, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the marriage contract entered into between John M'Neil, of Washington county, and Hester Ann, his wife, be and the same is hereby declared null and void, and the parties discharged from all obligations and liabilities growing out of the same, as full and absolutely as if they had never been joined in marriage.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEO. DARSIE,

Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to annul the marriage contract of John M'Neil, and Hester Ann M'Neil," was presented to the governor on the third day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of the commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.

SAM'L W. PEARSON,
Clerk of the Senate.

HARRISBURG, January 5, 1850.

No. 455.

AN ACT

To annul the marriage contract between Henry Kempf and Eveleen, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Henry Kempf and Eveleen, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and effectually as if they had never been joined in marriage.

SECTION 2. That any child now born or within the space of three months to be born of the bodies of the said Henry and Eveleen Kempf, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if such child had been born in lawful wedlock.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEO. DARSIE,
Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to annul the marriage between Henry Kempf and Eveleen Kempf," was presented to the governor on the tenth day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the legislature; wherefore it has, agreeably to the con-

stitution of the commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

SAM'L W. PEARSON,
Clerk of the Senate.

HARRISBURG, *January 5, 1850.*

No. 456.

AN ACT

To annul the marriage contract between Henry Foot and Eleanora T. Foot, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Henry Foot and Eleanora T. Foot, his wife, late Eleanora T. Crocker, be and the same is hereby annulled and made void, and the parties released and discharged from all the duties, liabilities and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage.*

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEO. DARSIE,
Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to annul the marriage contract of Henry Foot and Eleanora T. Foot," was presented to the governor on the tenth day of April, one thousand eight hundred and forty nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of the commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.

SAM'L W. PEARSON,
Clerk of the Senate.

HARRISBURG, *January 5, 1850.*

No. 457.

A N A C T

To annul the marriage contract between Frederick W. Martens and Mary C. W.,
his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Frederick W. Martens, of the city of New York, and Mary C. W., his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage, and that her parental name be restored to her, to wit : Mary Caroline Wilber.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEO. DARSIE,
Speaker of the Senate.

We do certify that the bill, entitled "An Act to annul the marriage contract of Frederick W. Martens and Mary C. W. Martens," was presented to the governor on the second day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the present legislature ; wherefore it has, agreeably to the constitution of the commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.

SAM'L W. PEARSON,
Clerk of the Senate.

HARRISBURG, January 5, 1850.

No. 458.

A N A C T

To annul the marriage contract between C. J. Sikes and Martha R., his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

the marriage contract entered into between C. J. Sikes and Martha J., his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEO. DARSIE,

Speaker of the Senate.

We do hereby certify that the bill, entitled "An Act to annul the marriage contract between C. J. Sikes and Martha R., his wife," was presented to the governor on the tenth day of April, one thousand eight hundred and forty nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of the commonwealth, become a law in like manner as if he had signed it.

WM. JACK,

Clerk of the House of Representatives.

SAM'L W. PEARSON,

Clerk of the Senate.

HARRISBURG, *January 5, 1850.*

No. 459.

A N A C T

To annul the marriage contract of James Madison Jackson and Jane Ann, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between James Madison Jackson, of the county of Warren, and Jane Ann, his wife, be and the same is hereby declared null and void, and the parties discharged from all obligations and liabilities growing out of the same, as fully and as absolutely as if they had never been joined in marriage.*

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEO. DARSIE,

Speaker of the Senate.

We do hereby certify that the bill, entitled “An Act to annul the marriage contract of James Madison Jackson and Jane Ann, his wife.” was presented to the governor on the third day of April, one thousand eight hundred and forty-nine, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,

Clerk of the House of Representatives.

SAM'L W. PEARSON,

Clerk of the Senate.

HARRISBURG, *January 7. 1850.*

RESOLUTIONS

PASSED SESSION OF EIGHTEEN HUNDRED AND FIFTY.

No. 1.

RESOLUTION

Relative to Sutherland's Manual.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. That the clerks of the two houses be directed to contract with the publisher of Joel B. Sutherland's Legislative Manual, to deliver annually, for four years, one hundred and fifty copies of a revised edition of said work, at the opening of each session of the legislature, at a price not exceeding one dollar per copy: *Provided*, That one hundred and fifty copies be delivered during the present session of the legislature.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 2.

RESOLUTION

Authorizing the state treasurer to pay Samuel D. Karns and the administrator of Henry Petriken, deceased, a sum of money due them by the commonwealth.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state

treasurer be and is hereby authorized to pay Samuel D. Karns the sum of three hundred and eighteen dollars and twenty-one cents, and the administrator of Henry Petriken, deceased, the sum of five hundred dollars; the several sums certified to be due by the auditor general in pursuance of the seventh section of an act passed the tenth day of April, A. D., one thousand eight hundred and forty-nine.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 3.

RESOLUTIONS

Relative to the bridge over the Ohio river, opposite Wheeling.

WHEREAS, The navigation of the Ohio river has been and is now obstructed by bridges erected across its channel, between Zane's island and the main Virginia and Ohio shores, so that steamboats and other water craft hitherto accustomed to navigate said river, are hindered in their passage to and from the port of Pittsburg and other ports in the state of Pennsylvania; the trade, commerce and business of citizens of this commonwealth interrupted; the revenue of her public works diminished and impaired; and steamboats owned and navigated by citizens of this state, bound to and from her ports, are subjected to labor, expense and delay, with hazard to life and property; by reason whereof the said bridges are a common and public nuisance, injurious to the state of Pennsylvania and her citizens; therefore, be it

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the free and uninterrupted navigation of the Ohio river, as a common highway, is a right belonging to the citizens of Pennsylvania, which being essential to the prosperity of the state, it is the duty of the commonwealth to assert and defend.

That the proceedings in behalf of said state, instituted by her attorney general, in the supreme court of the United States, and now pending therein, against the Wheeling and Belmont bridge company, to abate the nuisance occasioned by their bridge lately erected across said river, be prosecuted to final judgment, decree and execution for abatement of said nuisance.

That if such proceedings shall fail to abate said nuisance, the governor of this state is authorized and directed to cause such other and

further proceedings to be taken as may be necessary and proper to procure the abatement thereof by due course of law.

That the sum of two thousand dollars be and the same is hereby appropriated towards carrying on the said proceedings; the said sum, or so much thereof as shall be necessary, to be expended under the direction of the governor, and the account thereof to be settled in the usual manner.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of February, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 4.

RESOLUTION

Giving the consent of the state to certain purchases of real estate heretofore made by the United States of America.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the consent of this legislature be and the same is hereby given to the purchase heretofore made by the United States of America in the city of Philadelphia, for a certain lot or piece of ground on the south side of Chesnut street, between Fourth and Fifth streets, extending in depth to Library street, upon which the building now used as a custom house by the United States is erected; and also, that the further consent of this legislature be and the same is hereby given to the purchase heretofore made by the said United States of America of other ground in the said city, situate on the north side of Chesnut street, between Juniper and Broad streets, upon which the mint of the United States has been erected, and that all the right, title, property and interest of this commonwealth in the aforesaid premises, are hereby ceded to and vested in the United States of America, as fully, absolutely, and to the same extent as this commonwealth now holds, and is entitled to in the same: *Provided,* That this commonwealth may re-occupy and re-possess the same as they have occupied and possessed the same heretofore, whenever the United States of America shall cease to occupy the same for public purposes: *And provided,* That the jurisdiction over the said premises in civil and criminal cases, be the same as before the passing of this resolution.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 5.

RESOLUTION

To extend the time for commencing operations on the Fishing Creek, Swatara and Schuylkill railroad.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the time limiting the Fishing Creek, Swatara and Schuylkill railroad company to commence their operations as fixed by the twenty-third section of the act passed the twenty-fourth day of March, one thousand eight hundred and forty, incorporating the Harrisburg and Pinegrove railroad company, to which the act passed the twenty fifth day of April, one thousand eight hundred and forty-four, incorporating the Fishing Creek, Swatara and Schuylkill railroad company, refers to for its powers and privileges, the same is hereby extended to the twenty-fifth day of April, one thousand eight hundred and fifty-five.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 6.

RESOLUTIONS

Relative to the Washington National Monument.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the governor is hereby authorized and requested to cause an appropriate block of the native marble of this commonwealth, to be conveyed to the national capital to take its place in the monument to the memory of Washington, and to have inscribed thereon the state coat of arms and these words:

PENNSYLVANIA,

FOUNDED

1681,

BY DEEDS OF PEACE.

LAWS OF PENNSYLVANIA,

Resolved. That a sum not exceeding one thousand dollars, is hereby appropriated for the purpose of carrying out the provisions of the foregoing resolution.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 7.

RESOLUTION

In relation to the officers, soldiers, seamen and mariners of the war one thousand eight hundred and twelve.

WHEREAS, By the several acts of congress, appropriations of donation, or bounty lands, have been made to those who have served in defence of their country in her foreign and Indian wars:

And whereas, We deem it but an act of justice and reward for patriotism that all our citizen soldiers should be placed on an equal footing; therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our senators in congress are hereby instructed, and our representatives requested, to use their best efforts to procure the passage of a law to place all the officers, soldiers, seamen and mariners who served in the war of one thousand eight hundred and twelve, on the same footing with the Canadian volunteers, as provided for in the act of congress approved March fifth, one thousand eight hundred and sixteen.

Resolved, That the governor of this commonwealth be requested to forward copies of these resolutions to each of our senators and representatives in congress, to be laid by them before their respective houses.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 8.

RESOLUTIONS

Of the legislature of Pennsylvania relative to the death of the honorable John C. Calhoun.

WHEREAS, It has pleased an All-wise Providence to remove from the scenes of earth one of America's most distinguished sons, whose name has been associated with her history during the last forty years, and whose distinguished talents, private virtues and purity of character, have shed lustre on her name:

And whereas, It is becoming and proper that society, whilst humbly bowing to the dispensations of Infinite Wisdom, should in such cases testify its sense of the worth and exalted character of the illustrious deceased, by appropriate tributes of respect to his memory, forgetting all points of difference, and cherishing the recollection only of his virtues; be it therefore

Resolved, unanimously, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same. That this general assembly has heard with profound sensibility and heartfelt sorrow of the death of the honorable John C. Calhoun, of South Carolina, for whom in his long and distinguished public career, whilst often differing from his views and policy, we have ever entertained the most profound respect, and in whose private virtues and personal character there has been every thing to win admiration and conciliate affection.

Resolved, That as a further testimony of respect for the memory of the deceased, an extract from the journal of each house, to be signed by the speakers, be communicated to the governor, with a request that he forward the same to the widow and family of the deceased, with a letter of condolence expressing the sincere sympathy of this general assembly with them in this afflicting bereavement.

Resolved, That the governor be further requested to forward a copy of the foregoing resolutions to the governor of South Carolina, with a request that he communicate the same to the legislature of said commonwealth.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 9.

RESOLUTION

Authorizing the auditor general to settle and adjust certain claims; and relative to the Chester Creek railroad company.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the auditor general be and he is hereby authorized and directed to settle and adjust the costs which accrued in the cases of the alleged escheats of the estates of Henry Collins and Cato Johnson, late of the county of Delaware, and to draw his warrant upon the state treasurer for the amount which shall be found due in each of the aforesaid cases; said warrant to be drawn in favor of the deputy escheators, who shall distribute the amount to the several parties entitled to distributive shares thereof.

SECTION 2. That the time for commencing the construction of the Chester Creek railroad, as provided by the eighteenth section of the act of April first, one thousand eight hundred and forty-eight, be and is hereby extended for the term of two years from the passage of this act, and the time for completing ten miles shall be extended for seven years; and said company shall have power to collect tolls upon the same, as soon as three miles shall have been completed.

J. S. McCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 10.

RESOLUTION

Relative to the promotion of agriculture.

WHEREAS, The agricultural interests of Pennsylvania and of the several states of this Union have become of such importance as to require the fostering protection of our national legislature, as well to stimulate ingenuity as to reward industry; therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our senators in congress be instructed, and our representatives requested, to

use their official influence in procuring the passage of an act creating a national board of agriculture.

Resolved, That the governor be requested to forward copies of this resolution to each of our senators and representatives in congress.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 11.

RESOLUTIONS

Relative to the patent granted to William Woodworth by the United States.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our senators be instructed and our representatives in congress requested to use all honorable means to prevent any further extension, by congress, to the heirs and assigns of the late William Woodworth, of the patent granted originally on the twenty-seventh day of December, one thousand eight hundred and twenty-eight, for his improvement in the method of planing, tongueing, grooving, cutting into mouldings, planks, boards, or other materials.

Resolved, That the governor be requested to forward to each of our senators and representatives in congress a copy of the foregoing resolution.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

APPENDIX

CONTAINING LAWS PASSED AT THE SESSION OF 1846, 1847, 1848,
AND 1849, UPON WHICH THE TAX HAS BEEN PAID SUBSE-
QUENTLY TO THE PUBLICATION OF THE PAMPHLET LAWS
OF 1850.

[1846.]

No. 425.

AN ACT

To incorporate the Allegheny and Perrysville turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Hugh Davis, Nathaniel Holmes, George Cooper, N. Good, John Morrow, Robert Hilauds, Thomas Gibson, Thomas Morrow, junior, John Crider, Casper Reel and John Brown, of Allegheny county, are hereby appointed commissioners, and shall on or before the first Monday of September next, procure one or more books and enter in each of them as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Allegheny and Perrysville turnpike road company, the sum of twenty-five dollars for every share of stock set opposite our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, by which said company is incorporated for the purpose of making an artificial stone turnpike road from the city of Allegheny, towards Harmony, in Butler county. Witness our hands the day of in the year of our Lord, one thousand eight hundred and ;" and shall thereupon give notice in two or more of the public newspapers printed in the county of Allegheny, for one calendar month at least of the time and place when and where the said books shall be opened to receive subscriptions for the stock of the said company, and some one of the said commissioners shall attend accordingly, and permit all persons of lawful age who shall offer to subscribe in their own name or names of any other person or persons, who shall duly authorize the same, for any number of shares in the said stock; and the said books shall be kept open for the purpose aforesaid, at least six hours in every juridical day for the space of three days, or until fifty shares be subscribed, and if at the expiration of the said three days fifty shares shall not have been sub-

Commissioners.

Duty.

Form of sub-
scription.

Books to be
opened.

scribed, the commissioners may adjourn from time to time and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournments and transfers such public notice shall be given as the occasion may require, and when the whole number of shares shall amount to eight hundred and fifty shares the same shall be closed; and every person offering to subscribe in his own name, or the name of any other person, shall previously pay to the attending commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Adjournment.

Number of shares.

SECTION 2. When ten or more persons shall have subscribed fifty or more shares, and the said commissioners, or a majority of them, shall have certified under their hands and seals to the governor, the names of the subscribers and the number of shares subscribed by each, it may be lawful for the governor by letters patent under his hand and the seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate in deed and in law, by the name, style and title of "The president, managers and company of the Allegheny and Perrysville stone turnpike road," and by the same name the subscribers shall have perpetual succession and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Name.

Privileges.

SECTION 3. The stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be after issuing of the same, give notice in two or more of the newspapers published in the county of Allegheny, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall then proceed to organize the said company, and shall choose by a majority of the said subscribers by ballot in person, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and the said managers so chosen and their successors, shall and may make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering the affairs of the said company, and shall have power to lay out, construct and complete a stone turnpike road from the city of Allegheny, extending towards Harmony, in Butler county, the distance of seven miles, following as near as practicable the old Harmony road, and generally have like powers, authorities and privileges necessary for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties,

Organization.

Officers.

By-laws.

Location.

Powers, restrictions, &c., of
Pittsburg and
Greensburg turn-
pike road.

Proviso.

finances and forfeitures, and be entitled to like tolls and profits in proportion to the distance finished, as are given and granted to the Pittsburg and Greensburg turnpike road company by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work in one year after the passage of this act, or shall not within three years afterwards complete the road, according to the true intent and meaning of this act, in either of those cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises by this act granted to said company.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 426.

AN ACT

To incorporate the Lewistown Union hall company.

Corporators.

Name.

Privileges.

Proviso.

Capital stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That James A. Cunningham, Reuben C. Hale, John Hamilton, James A. Pearce, John Evans, James Burns, James Parker, Daniel Fichthorn, Lewis Hoover, A. P. Jacobs, David Cooper and James Milliken, and their associates, and all persons who now are or hereafter may be holders of the stock hereinafter mentioned, shall be and they are hereby declared to be constituted a body corporate, by the style of "The Union hall company of Lewistown;" to have perpetual succession, to be capable in law of suing and being sued, to have a common seal, and the same to alter and renew at pleasure; and to take, hold, by their representatives and lessees, to enjoy such real estate as may be necessary and proper for the construction of a building to be called Union hall, for the accommodation and use of such institutions, officers and individuals as may desire to have apartments therein: *Provided however*, That if the said company, or any of their stockholders or their lessees, with the knowledge of the company, shall knowingly permit any intoxication or gambling in their said house, the privileges hereby granted shall cease.*

SECTION 2. The capital stock of the said corporation shall not exceed ten thousand dollars, divided into five hundred shares of twenty dollars each, five dollars to be paid on each share at the time of subscribing,

and the balance at such times as the by-laws of the company may require; and that it shall be held as personal property, and as such shall be transferred under such regulations as the corporators shall judge convenient. Transferable.

SECTION 3. A general meeting of the corporators shall be annually held on the first Monday of May, for the election of nine managers and the transaction of other business; but if such meeting or election shall not then take place, the corporation shall not, for that cause, be dissolved, but such meeting or election shall take place as soon thereafter as may be, one week's notice being first given in at least two papers, if there are so many published in the county. Annual meeting.

SECTION 4. The election for managers shall be by ballot from among the corporators; and that in the enactment of by-laws for the government of the corporation and its affairs, and in the decision of all questions, whether of election of officers or disfranchisement of corporators, either because of the delinquency in paying for the amount of stock by them purchased of the corporation, or for other causes, and on all other questions at the meetings of the corporation, the corporators present shall severally vote once for each share of stock held by them: the managers shall meet for organization at the court house in the borough of Lewistown, on the second Monday of May, one thousand eight hundred and forty-six, and proceed as soon as practicable to select a lot and contract for the erection of a suitable building on the same. Votes.

SECTION 5. The managers shall continue in office until their successors be appointed; shall elect a president from among themselves; shall supply vacancies in their number, whether occasioned by death, resignation or refusal to act; and shall have the general and entire control of the affairs and interests of the company, except so far as may be otherwise provided by the corporators: five members shall be a quorum at these meetings. Organization.

SECTION 6. The said corporation shall not directly or indirectly engage in any banking, commercial, manufacturing or mining concern; and shall have such powers only as may be proper and convenient for holding, constructing, using and beneficially enjoying the property hereinbefore referred to, and in the income and proceeds thereof. Power of managers.

SECTION 7. The commissioners named in the first section of this act shall give three weeks' notice of the time and place of the first election of managers in all the papers published in the county. Quorum.

SECTION 8. If the said corporation shall at any time hereafter misuse the powers hereinbefore granted, the legislature may at any time resume all and singular the rights, liberties, privileges and franchises hereby granted the said company. Objects.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty six.

FRS. R. SHUNK.

No. 427.

AN ACT

To incorporate the Pittsburg and Erie railroad company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Commissioners. Harmar Denny, Josiah King, Thomas Bakewell, Jesse Carothers, John Bigler, John B. M'Fadden, Lewis Hutchison, James Gray, William Wilkins and Wilson M'Candless, of the county of Allegheny; Robert Darra, Hiram Stow, S. C. Clow, of the county of Beaver; David Dougal, John Breden, Joshua Stoolfier, William Beatty, Samuel A. Gilmore, James Kerr, James G. Campbell, William M. Junkin, Cadwallader Baker, of the county of Butler; John Reynolds, William Stewart, John J. Pearson, of the county of Mercer; H. J. Huidecoper, Edward A. Reynolds, Gaylord Church, of the county of Crawford; Charles M. Reed, P. S. V. Hamot, Thomas H. Sill, William Kelly, James Thompson, James Williams, Giles Sandford, Theodore Ryman, John Vincent, John P. Judson and Miron Hutchinson, of the county of Erie; George F. Keener, A. J. Foulk, John Gilpin, Philip Mechling, John Croil, James Douglass and A. P. Orman, of the county of Armstrong; Arnold Plummer, James Kinnear and J. W. Howe, of the county of Venango; James Watterson, Robert Lawson and Isaac Hull, of the county of Clarion, be and they are hereby appointed commissioners to do and perform the several acts and things hereinafter mentioned; that is to say, they or such of them as shall act in the premises, not less than six, shall, before proceeding to the performance of their duties, be respectively sworn or affirmed before an officer competent to administer oaths, well and truly to perform the duties enjoined upon them by this act; and as soon as conveniently may be, and within five years next after the passage of this act, shall procure and open suitable books at such proper times and places as they may designate, in the city of Pittsburg, and in the borough of Erie, and at such other places as they may deem expedient; of which times and places at least thirty days' previous notice shall be given, in not less than three daily or weekly newspapers published in Pittsburg and Erie; in which books they shall enter as follows: "We whose names are hereunto subscribed do promise to pay to the president, directors and company of the Pittsburg and Erie railroad company the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such time or times, place or places as shall be determined by the president and directors of said company, in pursuance of an act, entitled 'An Act to incorporate the Pittsburg and Erie railroad company.' Witness our hands and seals, the day of one thousand eight hundred and ."

Duties.

Subscription.

And at the times and places so designated and named in the public notices to be given as aforesaid, the said commissioners, by themselves or by committees to be by them appointed, shall attend and furnish to all persons duly qualified, who shall offer to subscribe, an opportunity of so doing; and it shall be lawful for all such persons, and for all firms, co-partnerships and bodies politic and corporate, by themselves or by persons

duly authorized, to subscribe for shares in said stock; and the said book shall be kept open at least six hours in every juridical day, for the term of ten days, or any other length of time, unless the whole number of forty thousand shares shall have been sooner subscribed; and if at the expiration of ten days the said books shall not have the whole number of shares aforesaid subscribed therein, the said commissioners may adjourn from time to time, and transfer the said books elsewhere, until the whole number of forty thousand shares shall have been subscribed, of which adjournments and transfers the said commissioners shall give such public notice as in their opinion the occasion may require; and when the whole number of shares before mentioned shall have been subscribed, the books shall be closed: *Provided*, That no subscription for such stock shall be valid, unless the party or parties making the same shall, at the time of subscribing, pay to said commissioners two dollars and fifty cents on each and every share, for the use of the company: *And provided further*, That if more than seventy-five thousand shares shall have been subscribed within the ten days, and before the closing of the books as aforesaid, the commissioners shall reduce the subscriptions pro rata as near as practicable, in such manner as to them may appear equitable, until the number of shares do not exceed seventy-five thousand; but no subscription for ten shares or under shall be so reduced.

Who may subscribe.

Proviso.

SECTION 2. That when fifteen thousand shares or more of the said stock shall have been subscribed, and two dollars and fifty cents paid on each and every share as aforesaid, the said commissioners acting in the premises as aforesaid, or a majority of them, shall certify to the governor, which certificate shall be verified by the oath or affirmation of at least two of said commissioners, the names of the subscribers and the number of shares subscribed by each, and that two dollars and fifty cents on each share have been paid; whereupon the governor shall, by letters patent under his hand and the seal of the commonwealth, create and constitute the subscribers, and if the subscription be not full at the time, those who shall thereafter subscribe to the number of shares aforesaid, their successors and assigns, into a body politic and corporate, in deed and in law, by the name, style and title of "The Pittsburg and Erie railroad company," and by the said name and title the subscribers shall have perpetual succession, with all the privileges, and franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold, use and enjoy to them and their successors, lands, tenements and hereditaments, engines, locomotives, cars, goods, chattels and estate, real and personal of what kind or quality soever, and the same from time to time to sell, exchange, mortgage, grant, alien, or otherwise dispose of, and to make dividends of such portion of the profits as they may deem proper; and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary or convenient for the government of said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due ordering and management of the affairs thereof: *Provided*, That nothing herein contained shall be so construed as in any way giving to said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary or convenient to the procuring, owning, making, maintaining, regulating and using said rail-

Letters patent.

Style.

Privileges.

road hereinafter authorized, the locomotives, machinery, cars and other appendages thereof, and the conveyance of passengers, the transportation of the mail, and of goods, merchandize, commodities and things thereon: *And provided further*, That said company shall not purchase or hold any real estate, except such as may be necessary or convenient for the making and constructing of said railroad, or for the furnishing of materials therefor, and the accommodation of depots, offices, warehouses, machine shops, toll houses, engine and water stations, and other appropriate appurtenances, and for the persons and things employed or used in or about the same: *Provided*, That the whole amount of debts, or other liabilities of said company, including loans, shall not at any time exceed one half of the amount of capital actually paid in: *And provided further*, That no part of the capital stock, or other funds of the company, shall be at any time directly or indirectly loaned to any director, officer or agent of said company.

Organization.

SECTION 3. The said commissioners, or a majority of them acting in the premises as aforesaid, shall, as soon as conveniently may be after the said letters patent shall have been obtained, appoint a time and place for the subscribers to meet in order to organize the said company, and shall give at least twenty days' previous notice thereof in various papers before mentioned; and the subscribers, when met, shall by ballot elect, by a majority of the votes present to be given in person or by proxy, thirteen directors, all of whom shall be citizens and residents of this commonwealth, and shall be owners respectively of at least twenty shares in the stock of said company: the said directors, and those thereafter to be chosen in pursuance of the provisions of this act, at their first meeting shall choose, by ballot, one of their own number as president of said company: and the said president and directors shall conduct and manage the affairs and business of said company until the first Monday of June then next ensuing, and until others are chosen, and may make, ordain and establish such by-laws, rules, orders and regulations, and do and perform such other matters and things as are by this act authorized.

By-laws.

Annual meeting of stockholders.

Directors.

Repeal of by-laws, &c.

SECTION 4. That the stockholders shall meet on the first Monday of December in every year, at such place in this commonwealth as may be designated by the by-laws of the company, of which at least twenty days' previous notice shall be given in three or more newspapers published in the city of Pittsburg or town of Erie, and elsewhere, as the board shall direct, and choose, by a majority of votes, thirteen directors, qualified as provided in the preceding section, for the year ensuing, who shall continue in office until the next annual election, and until others are chosen; at which annual meeting the said stockholders shall have full power and authority to make, alter or repeal, by a majority of the votes given, any or all such by-laws, rules, orders and regulations as aforesaid, and do and perform every other corporate act authorized by their charter; the stockholders may meet at such other times and places as they may be summoned by the president and directors, in such manner and form, and giving such notice as may be prescribed by the by-laws; and the president, on the request, in writing, of any number of stockholders representing not less than one-tenth in number and interest, shall call a special meeting, giving the like notice, and stating specifically the objects of such meeting; and the objects stated in such notice, and no other, shall be acted upon at such meeting; nor shall any business be transacted at any such special meeting, unless a majority of the stock shall be there represented; but the meeting may adjourn from day to day, or until such times as a majority in interest shall be present.

SECTION 5. That the elections for directors provided for in this act shall be conducted in the following manner, that is to say : at the first election the commissioners shall appoint three stockholders, not being candidates, to be judges of the said election, and to hold the same ; and at every succeeding election the directors for the time being shall appoint three stockholders, being neither directors nor candidates, for the like purpose ; and the persons so appointed by said commissioners and directors shall respectively take and subscribe an oath or affirmation before an alderman or justice of the peace, well and truly, according to law, to conduct such election to the best of their knowledge and ability ; and the judges shall decide upon the qualifications of voters, and when the election is closed, shall count the votes, and declare who have been elected ; and if it shall at any time happen that an election of directors shall not be made at the time specified, the corporation shall not for that reason be dissolved, but it shall be lawful to hold and make such election of directors on any day thereafter, by giving at least ten days' previous notice of the time and place of holding said election, in the newspapers aforesaid ; and the directors of the preceding year shall, in that case, continue in office, and be invested with all powers belonging to them as such, until others are elected in their stead ; in case of the death, resignation or removal from this state of a director, or a failure to elect, in case of a tie vote, or in case any one of them ceases to be qualified to act as a director, as in the manner hereinbefore provided, the vacancy may be filled by the board of directors ; at all general meetings or elections by the stockholders, each share of stock shall entitle the holder thereof to one vote, and each ballot shall have endorsed thereon the number of shares thereby represented ; but no share or shares transferred within sixty days next preceding any election or general meeting of the stockholders, shall entitle the holder or holders thereof to vote at any such election or general meeting ; nor shall any person or party, females excepted, residing within ten miles of the place appointed for any such election or general meeting, be entitled to vote by proxy ; no person shall represent by proxy more than three absent stockholders, nor shall any proxy be received, nor entitle the holder thereof to vote, unless the same shall bear date and have been duly executed and acknowledged before some person legally authorized, at the place of executing the same, to take such acknowledgments, within three months next preceding such election or general meeting ; and every such proxy received and voted upon as aforesaid, shall be retained and filed amongst the papers of the company until after the next annual election or general meeting, subject to the inspection or examination of any stockholder who may desire it.

Manner of conducting elections.

Votes.

No vote admitted by proxy, unless, &c.

SECTION 6. That the president and directors for the time being, are hereby authorized and empowered to exercise all the powers granted to the corporation ; they shall meet at such times and places as shall be by them deemed most convenient for the transaction of their business, and when met seven shall be a quorum : the president, if present, shall preside at all meetings of the board, and when absent, the board shall appoint a president pro tem. ; they shall keep minutes of their proceedings fairly entered in a suitable book to be kept for that purpose ; they shall choose a secretary and treasurer, and may appoint or employ all such officers, engineers, agents, superintendents, artisans, workmen or other persons, as in their opinion may be necessary or proper in the conducting and management of the affairs and business of said corporation at such times, in such manner, and under such regulations as they may from time to time determine ; they may require security in such amounts as they may deem necessary, of each or any of said officers or

Powers of the president and directors.

Choose a secretary, &c.

May require security.

Treasurer to give bond.

other persons by them appointed or employed, and generally to do all other such acts, matters and things as by this act and the by-laws and regulations of the said company, they may be authorized to do: the treasurer of said company shall give bonds, with one or more sureties satisfactory to the president and directors, in a sum not less than thirty thousand dollars, conditioned for the faithful discharge of all the duties of his office while he shall continue to hold the same, and for faithfully accounting for and paying over according to law and the by-laws of the company, all moneys that may come into his hands as treasurer aforesaid, and for the payment to his successor in office or other person authorized by the president and directors to receive the same, the balance of all such moneys; and in like manner for the delivery to said successor or other person authorized as aforesaid, all books, papers, documents, accounts and property that he may have or hold by virtue of his office; and the bond or bonds of the treasurer shall be renewed at least once in every two years.

Salaries.

SECTION 7. The president and directors shall fix the amount of salaries and wages of the several officers, engineers and agents employed by them; but no director shall be allowed any compensation but the president, whose salary shall be fixed by the vote of a majority of all the directors.

Certificates of stock.

SECTION 8. That the president and directors first chosen shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one or more certificates or evidences, signed by the president, countersigned by the treasurer, and sealed with the common seal of the corporation, to each person or party entitled to receive the same according to the number of shares by him, her or them respectively subscribed or held; which certificates or evidences of stock shall be transferable at the pleasure of the holder in a suitable book or books to be kept by the company for that purpose, in person or by attorney duly authorized, in the presence of the president or treasurer, subject, however, to all payments due or to become due thereon; and the assignee or party to whom the same shall have been so transferred, shall be a member of said corporation, and have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties incident thereto, in the same manner as the original subscriber would have been: *Provided*, That no certificate shall be transferred so long as the holder thereof is indebted to said company, unless the board of directors shall consent thereto.

Transferable.

Proviso.

Capital stock when and how called in.

SECTION 9. The capital stock of the company shall be called in and paid at such times and places, and in such proportions and instalments, not, however, exceeding five dollars per share in any period of sixty days, as the directors shall require; of which public notice shall be given for at least three successive weeks next preceding the time or times appointed for that purpose in the newspapers last above mentioned; and if any stockholder shall neglect to pay such proportion or instalment so called for at the time and place appointed, he, she or they shall be liable to pay, in addition to the proportion or instalment so called for, at the rate of one per cent. per month for the delay of such payment; and if the same and the additional penalty, or any part thereof, shall remain unpaid for the period of six months, he, she or they shall, at the discretion of the directors, forfeit to the use of the company all right, title and interest in and to every and all share or shares on account of which such default in payment may be made as aforesaid, or the directors may, at their option, cause suit to be brought before any competent tribunal for the recovery of the amount due on such shares, together with the penalty of one per cent. per month as

Forfeiture of stock.

aforesaid; and in the event of a forfeiture, the share or shares so forfeited may be disposed of at the discretion of the president and directors, under such rules and regulations as may be prescribed by the by laws: no stockholder shall be entitled to vote at any election, nor at any general or special meeting of the company, on whose share or shares any instalment or arrearages may be due more than thirty days next preceding said election or meeting.

SECTION 10. That dividends of so much of the profits of said company as shall appear advisable to the directors, shall be declared in the months of May and November in each and every year, and be paid to the stockholders, or their legal representatives, on application at the office of said company at any time after the expiration of ten days from the time of declaring the same; but the said dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if the said directors shall make any dividend which shall impair the capital stock of the company, the directors consenting thereto, shall be liable in their individual capacities to the said company for the amount of capital stock so divided, recoverable by action of debt as in other cases, and each director present when such dividends shall be declared shall be considered as consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividends. Dividends.

SECTION 11. That the president and directors of said company shall have power and authority by themselves, their engineers, superintendents, agents, artizans and workmen, to survey, ascertain, locate, fix, mark and determine such route for a railroad as they may deem expedient, not, however, passing through any burying ground or place of public worship, or any dwelling house without the consent of the owner or owners thereof, except in the neighborhood of deep cuttings or high embankments, or places selected for sideings, turnouts, depots, engine or water stations, to exceed four rods in width, and thereon to lay down, erect, construct and establish a railroad with one or more tracks, with such bridges, viaducts, turnouts, sideings or other devices as they may deem necessary or useful, beginning at and uniting with the western terminus of the Baltimore and Ohio railroad, if such road shall be constructed in the county of Allegheny, but if said railroad shall not terminate there, then to begin at some point in the city of Pittsburg, in the county of Allegheny, thence by such direct practicable route with moderate gradients as will in the opinion of said president and directors most conduce to the public interest, and the interests of said company, having due regard to economy in the construction, maintenance and management thereof, and terminating at such point or points in the town of Erie, in the county of Erie, as to the said president and directors may seem most advantageous or expedient; and in like manner by themselves, or other persons by them appointed or employed as aforesaid, to enter in and upon and occupy all land on which the said railroad or depots, warehouses, offices, toll houses, engine and water stations, or other buildings or appurtenances hereinbefore mentioned may be located, or which may be necessary or convenient for the erection of the same, or for any other purpose necessary or useful in the construction, maintenance or repairs of said railroad, and therein and thereon to dig, excavate and embank, make, grade, lay down and construct the same; and it shall in like manner be lawful for the said company, their officers, agents, engineers, contractors or workmen, with their implements and beasts of draught or burden, to enter upon any lands adjoining, or in the neighborhood of the said railroad so to be con-

Power of president, directors, &c., to enter upon lands and determine route.

structed, and to quarry, dig, cut and carry away therefrom any stone, gravel, clay, sand, earth, wood or other suitable material necessary or proper for the construction, maintenance or repairing of said railroad, or for the construction of any bridges, viaducts or other buildings which may be required for the use, maintenance or repairs of said railroad: *Provided*, That compensation shall be secured or tendered to the owner or owners of any such lands or materials, as shall be agreed upon between the parties, or in such manner as is hereinafter mentioned: *Provided further*, That the timber used in the construction or repair of said road shall be obtained from the owners thereof, only by agreement or purchase.

Damages, how
adjusted.

SECTION 12. That when the said company cannot agree with the owner or owners of any lands or materials for the compensation proper for the damage done or likely to be done, or sustained by any such owner or owners of such lands or materials, which said company may enter upon, use, or take away in pursuance of the authority hereinbefore given, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the court of quarter sessions of the proper county, on application thereto by petition, either by said company or owner or owners, or any one in behalf of either, shall issue their precept to the sheriff of the county, commanding said sheriff to summon twenty discreet and disinterested persons, freeholders of said county, to act as jurors, and to meet at such convenient place near the premises, as in the said precept or by the said sheriff may be designated, in not less than ten or more than twenty days, giving such reasonable notice as the court may direct, to both parties, by publication or otherwise, whose duty it shall be to ascertain and report to said court whether any, and if any, what damages have been sustained by the owner or owners of said land or materials by reason of the construction of said railroad, or by reason of the materials used or taken away in manner aforesaid; and if twelve or more of the said jurors attend, they shall be empannelled, and if twelve do not attend, the sheriff shall forthwith, or as soon thereafter as practicable, summon others to attend on a day by him fixed for that purpose; and the said twelve jurors being so empannelled, and having been first sworn or affirmed by said sheriff or his deputy, faithfully, justly and impartially to decide and true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act; and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be so taken or occupied, or the materials so used or taken away, or to be so used or taken away, as the case may be, and having a due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said land or materials in consequence of the opening or making of said railroad; and after having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine whether any, and if any, what amount of damages have been sustained, and to whom payable, and make report thereof to the court; and if any damages be awarded and the report be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid, execution may issue thereon as in other cases of debt, for the sum so awarded; and the cost and expenses incurred shall be defrayed by said railroad company: *Provided*, That if said report be not confirmed as aforesaid, and justice may seem to require it, a new inquisition may be ordered by said court: *And provided further*, That any owner or owners or other party applying for a review, shall be

Proviso.

Proviso.

liable for the costs of the proceedings prayed for, in case a report more favorable be not obtained upon such review: *And provided further nevertheless*, That nothing herein contained shall authorize the said company to enter upon any lands or take any property without making compensation to the owners of said property, or giving adequate security therefor.

SECTION 13. That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual, proper wagon ways across said road or roads, from one part of his land to the other.

Crossing of established roads.

SECTION 14. That in all suits or actions brought against the said company, the service of process on the president, secretary, treasurer, engineer, agent or any director of said company shall be good and available in law; but no suit or action shall be prosecuted by any person or persons for any penalty incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed or cause of action accrued; and the defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Suits.

SECTION 15. That if any person or persons shall wilfully and knowingly break, injure or destroy the railroad hereby authorized, or any part thereof, or any edifice, device, property or work, or any part thereof, or any machinery, engine, car, implement or utensil erected, owned or used by the said company in pursuance of this act, he, she or they so offending shall forfeit and pay to the said company three times the actual damage so sustained, to be sued for and recovered, with full costs, before any tribunal having cognizance thereof, by action in the name and for the use of said company.

Penalty for injuries to company's works.

SECTION 16. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly and with evil intent, any obstruction on the line of said railroad, so as to jeopard the safety or endanger the lives of persons traveling on or over the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be adjudged, on conviction, to be imprisoned in the Western penitentiary for a term not less than three months, nor more than three years: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate civil remedy at law in such cases.

Further provisions for injuries.

SECTION 17. That the said company shall not prevent any person or persons, being the owner or owners of land bordering on or adjacent to said railroad, from making lateral railroads, and connecting the same with the said road of the company for the purpose of transporting thereon their produce or other material, being the products of said land; the said connections being made at the expense of the person or persons wishing the same, and according to the directions, and subject to the approval of the directors of said company or their authorized agent; and it shall be lawful for the said company in the manner and subject to the conditions and provisions hereinbefore provided, in relation to the line of their railroad by this act authorize to be made, to make such lateral railroads or branches leading from the main line of their said railroad to such convenient places or points in either of the coun-

Lateral roads.

ties into or through which the said line of their road may pass, and the counties next adjoining the same, as the president and directors may deem advantageous, and suited to promote the convenience of the inhabitants thereof, and the interests of said company.

TRANSPORTATION OF TROOPS IN CASE OF WAR, &c.
SECTION 18. That in times of war, invasion or domestic insurrection, the said company shall carry and transport or permit to be carried and transported on said railroad, any troops called into service by any competent authority, their ordnance, munitions and military stores at one-half the usual charge for the time being, for carrying and transporting other passengers and freight.

STATEMENT OF AFFAIRS.
SECTION 19. That at each annual meeting of the stockholders of said company, the president and directors for the year preceding, shall lay before them a full and complete statement of the affairs of the company, for the year ending on the last day of October immediately preceding, exhibiting under the various appropriate heads the amount of moneys received, and from what sources, the amount disbursed, and for what purpose, and the balance remaining with the company, which statement shall be accompanied with a report of the acts and proceedings of the company for the same period, with such further information as may be requisite to convey to the stockholders a full knowledge of the affairs and condition of said company; the said statement and report shall be published as soon as conveniently may be in pamphlet form, and in such newspapers as the stockholders or president and directors may designate, and a copy thereof shall be transmitted to the governor, and to each branch of the legislature at its next annual meeting.

INCREASE OF CAPITAL STOCK.
SECTION 20. That if any increase of the capital stock shall be deemed necessary in order to complete or improve the said railroad or appurtenances, it shall be lawful for the stockholders of said company, at any annual or special meeting convened for that purpose, in manner as aforesaid, to increase and dispose of any additional number of shares, not exceeding sixty thousand, so that the whole amount of said capital stock shall not exceed five millions of dollars, and receive and demand the moneys for the said additional shares in like manner, and subject to the same conditions hereinbefore provided for the original subscriptions, or as shall be provided for in the by-laws of said company.

WHEN ROAD COMPLETED TO BE DEEMED A PUBLIC HIGHWAY.
SECTION 21. That upon the completion of said railroad or any part thereof, the same shall be esteemed a public highway for the conveyance of passengers, and the transportation of freight, subject to such rules and regulations in relation to the same, and to the size and construction of wheels, cars and carriages, the weight of loads, and all other matters and things connected with the use of said railroad, as the president and directors may prescribe and direct: *Provided*, That the said company shall have the exclusive control of the motive power, and may from time to time establish, demand and receive such rates of toll or other compensation for the use of said motive power, and for the conveyance of passengers, the transportation of merchandize and commodities, and the cars and other vehicles containing the same, or otherwise passing over or on said railroad, as to the president and directors shall seem reasonable: *Provided however nevertheless*, That said rates of toll or other compensation so to be established, demanded or received, when the cars used for such conveyance or transportation are owned or furnished by others, shall not exceed three cents per mile for each passenger; four cents per mile for each ton of two thousand pounds for freight; three cents per mile for each passenger car; and two cents per mile for each burden or freight car; every four wheels being computed as a car.

TOLLS.

SECTION 22. That it shall at all times be lawful for a committee of the legislature appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been by the same abused or violated, and if the officers of said corporation shall refuse to be sworn or affirmed, or give evidence, or refuse to produce any of their books or papers that may be demanded before any such committee, then the legislature may by law declare the said charter void, and repeal the same; and whenever any committee as aforesaid, shall find and report, or the governor shall have reason to believe that the charter has been violated, it shall be lawful for the legislature to direct, or the governor to order a scire facias to be sued out of the supreme court of Pennsylvania, in the name of the commonwealth of Pennsylvania, which shall be served on the president, treasurer or secretary at the office of the corporation for the time being, at least ten days before the commencement of the term of court, calling on the said corporation to show cause why the charter hereby granted should not be declared forfeited; and it shall be lawful for the said court upon the return of the scire facias to examine into the truth of the alleged violations, and if such violations be made to appear, then to adjudge that the said charter, and thereupon and in that case the legislature shall have power to declare the said charter void, and repeal the same for the cause aforesaid: *Provided*, That every issue of fact which may be joined between the commonwealth and the corporation in said proceedings, shall be tried by a jury summoned by an officer to be named by the court from the body of the state; and it shall be lawful for the court aforesaid, to require and compel the production of such of the books and papers of the corporation on such trial as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court shall be subject to all the usages of law as in other cases.

Committee of the legislature may at all times inspect books, &c.

Forfeiture of charter.

SECTION 23 That if the said company shall not commence the construction of the said railroad within five years, and complete and open the same for use with one or more tracks, within the term of ten years, or if after the completion of the said railroad shall be suffered to go into decay and be impassable for the term of two years, then this charter shall be null and void, except so far as relates to the payment of damages.

Commencement and completion of road.

PINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

[1847.]

No. 385.

A N A C T

To authorize the governor to incorporate the Great Bend and Franklin turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That George Fuller, Alonzo Williams, Joseph L. Merriman, John Blowers, J. B. Salisbury, D. D. Warner, J. Blanding, Thomas Johnson, John Green, Abraham Dubois, Amos Churchell, Isaac Reekhow, Rufus Lines, Walter Follet, William Dayton, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned; that is to say, they shall procure a book and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Great Bend and Franklin turnpike road company the sum of twenty five dollars for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the president and managers in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Great Bend and Franklin turnpike road company.' Witness our hands the day of

Anno Domini, one thousand eight hundred and ,'' and shall give at least thirty days' notice in a newspaper published in Susquehanna county, of the time and place, when and where the said books shall be opened to receive subscriptions of stock of the said company; at which time and place two or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid at least six hours in each juridical day for the space of six days, or until the book shall have subscribed therein three hundred shares; and the said commissioners may adjourn from time to time, and transfer the book from place to place until the whole number of shares aforesaid shall be subscribed; of which adjournment and transfer the said commissioners shall give such notice as the occasion may require.

SECTION 2. When ten or more persons shall have subscribed one hundred or more shares, and the said commissioners, or a majority of them, shall have certified under their hands and seal to the governor the names of the subscribers and the number of shares subscribed by each, it may be lawful for the governor by letters patent under his hand and seal of the state to create and erect the subscribers, and also those who may afterwards subscribe into one body politic and corporate, in deed and in law, by the name, style and title of "The Great Bend and Franklin turnpike road company," and by the same name the subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and

Commissioners.

Form of subscription.

Letters patent.

holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of the act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The stockholders, or any two of them named in the letters patent, shall, as soon as convenient may be after issuing of the same, give notice in one or more of the newspapers published in the county of Susquehanna, of a time and place to be by them appointed, not less than twenty days from the time of the first notice; at which time and place the said subscribers, or as many of them as may be then present, shall then proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot or by proxy duly authorized in person, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may choose another to supply the vacancy until the next annual election of said company: they may make and have one common seal, and the same may break, alter or renew at their pleasure, and may make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held, not exceeding five; but no number of shares above five shall entitle the holder thereof to more than two votes at any election or meeting of said company: *And provided also*, That no person shall be entitled to hold the office of president, manager or treasurer of the said company who is not a stockholder thereof: *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the shares by him or her held at the time of such election or meeting shall have been fully paid and discharged.

SECTION 4. If any treasurer elected by virtue of this act shall die, resign or refuse to act, or neglect to give security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon himself and perform all the duties of said office, it shall be the duty of the said managers for the time being to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECTION 5. The stockholders shall meet on the first Monday in November in each and every year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing in manner aforesaid such officers for the year ensuing the term of service of those previously elected.

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, stock.

Organization.

Managers and officers.

Seal.

By-laws.

Votes.

Vacancy of treasurer how supplied.

Annual meeting of stockholders.

Certificates of

Transferable.

and sealed with their corporate seal, and deliver one such certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held the sum of five dollars; which certificate shall be transferable in person or by attorney on the books of the said company, only subject to the sum due or to become due on the share or shares so transferred.

Enter upon
lands, &c.

SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain-bearers to enter in and upon all and every the lands, tenements and enclosures in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground and quarries of stone and gravel and other materials that may be necessary in making and constructing the said road; and to survey, lay down, ascertain, mark and fix such route for said road as, in the best of their judgment and skill, combine shortness of distance with the most eligible ground, beginning at the village of Great Bend, thence the nearest and best route to the house of Amos Churchell, situate on the Abington and Waterford turnpike, in the township of Franklin, in said county of Susquehanna.

Managers.
Quorum.
Powers.

SECTION 8. The said president and managers, five of whom shall, for all purposes, be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose; and shall have full power and authority to appoint, agree or contract with such engineer, superintendents, artists, laborers and other persons as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation; to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by their secretary; and to do and transact all other acts, matters and things as by the laws, orders and regulations of the said company shall be entrusted to them.

Forfeiture of
stock.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days' notice in two newspapers printed in Susquehanna county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for every delay of such payment; and if the same and such additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholder of such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may, at their election, cause suit to be brought in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

Damages, how
adjusted.

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof and doing as little damage thereto as possible, and making amends for damages, upon a reasonable and equitable agreement by the parties, or if they cannot

agree thereupon, a just and equitable assessment to be made, upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace for the county wherein the said land lies, who shall not be interested *thereon*; and upon the tender of the assessed value, to dig and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road.

SECTION 11. The said president and managers shall keep fair and just accounts, as well of all moneys received by them, as of those paid out and expended in the prosecution of the work; and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work; and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act in case of the original subscription.

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route whenever the same shall be found necessary; and shall cause a road to be laid out, not exceeding sixty feet in width; and shall cause at least eighteen feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an even surface, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line; and shall forever thereafter maintain and keep in the same good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden and prostrate the timber on each or either side of the said road, within a distance not exceeding one hundred feet from the centre of the said road, they making just and equitable compensation to the owners at the time of so doing.

SECTION 13. Whenever, and as soon as the said company shall have finished five continuous miles or more of road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, report on oath or affirmation to him whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by his license under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many toll gates upon and across the said road, as will be necessary and sufficient to collect from all persons, otherwise than on foot, the same tolls which are hereinafter mentioned and authorized: *Provided*, That all persons attending funerals, military parades and trainings, or divine worship, shall at all times be exempted from payment of any toll on said road.

SECTION 14. The said company having perfected the said road, or such part thereof from time to time as aforesaid, and being examined, approved, and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper,

Rates of toll.

to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned ; and stop any person riding or leading any horse, or driving any cattle, hogs or sheep, or driving any coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriages of burden or pleasure from passing through the said turnpike or gates, until they shall have respectively paid the same ; that is to say, for every five miles in length of the said road completed and licensed as aforesaid, the following sum of money, and so in proportion for any lesser or greater distance actually traveled, or for any greater or less number of sheep, hogs or cattle, to wit : for every score of hogs, six cents ; for every score of sheep, six cents ; for every score of cattle, twelve and one-half cents ; for every horse and his rider, or led horse, three cents ; for every sulkey, chair or chaise, with one horse and two wheels, six cents ; and with two horses nine cents ; for every chariot, coach, phaeton or chaise with four wheels and two horses, twelve and one-half cents ; for either of the carriages last mentioned with four horses, twenty cents ; for every other carriage of pleasure, under whatsoever name it may go, the like sums according to the number of wheels and horses drawing the same ; for every sled, two cents for each horse drawing the same ; for every cart or wagon, the wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same ; for every cart or wagon, the wheels of which shall exceed in breadth four inches, and not exceeding seven inches, three cents for each horse drawing the same ; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for each horse drawing the same ; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for every horse drawing the same ; for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same ; and all carriages aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse ; and if any person or persons shall represent to the said company, or any of the officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the said company of their toll, or any part thereof, each person or persons shall, for every such offence, forfeit and pay to the use of the said company any sum not exceeding five dollars ; and if any toll-gatherer shall demand and receive greater or other toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, for the repair of the roads in the said township : *Provided always*, That it shall and may be lawful for the said company, by their laws, to regulate the burthen or carriages to be drawn along the said road, in such manner as shall be found from experience to be most conducive to the public convenience and the advantage of the company.

Penalty for taking excess of toll.

Subject to provisions of certain act.

SECTION 15. For collecting and receiving tolls ; for every attempt to evade the payment thereof ; for every neglect to keep the said road in good repair ; for the increase, diminution and application of the tolls ; the erection of index posts ; and for the injuring and defacing of the same ; for the regulation of the traveling on the said road ; and for the

limitation of actions; and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities and privileges, and be subject to all the penalties which are given and granted by the act incorporating the Coshecton and Great Bend turnpike company.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 386.

AN ACT

Authorizing the governor to incorporate the Limerick and Colebrookdale turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That for the purpose of making a turnpike road commencing at or near where the Swamp road intersects the Perkiomen and Reading turnpike, in the township of Limerick, in the county of Montgomery, thence along or near said Swamp road through the townships of Limerick, New Hanover and Douglass, in the county of Montgomery, and township of Colebrookdale, in the county of Berks, to some point on the state road leading from Pottstown to Allentown, in said township of Colebrookdale, John Bechtle, William Johnson, Daniel Boyer, Thomas Shaner, Henry Boyer, doctor Charles Keeley, Jonas Sweisford, Frederick Brendlinger, Henry Schneider, Henry Bartolet, John Feagley, Isaac Linderman and doctor William B. Hahn, be and they are hereby appointed commissioners to do and perform the duties herein mentioned; that is to say, they shall procure a book or books and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Limerick and Colebrookdale turnpike road company, the sum of fifty dollars for every share of stock by us subscribed, in such manner and proportion, and at such times and places as shall be determined on by said president and managers, in pursuance of an act, entitled "An Act authorizing the governor to incorporate the Limerick and Colebrookdale turnpike road company." Witness our hands the day of Anno Domini, one thousand eight hundred and ;" and shall give at least thirty days' notice in one or more newspapers in the county of Montgomery, and one or more newspapers in the county of Berks, of the time and place, when and where the said books shall be opened to

Who may subscribe.	receive subscriptions of stock of the said company, at which time and place two or more of said commissioners shall attend, and receive subscriptions from all persons of lawful age, who in person or by attorney shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid at least four hours in every juridical day, for the space of six days, or until the books shall have subscribed therein six hundred shares, and the said commissioners may adjourn from time to time and transfer the books from place to place until the whole number of shares shall be subscribed; of which adjournment and transfer the said commissioners shall give such notice as they may deem necessary: <i>Provided always</i>, That every person offering to subscribe in the said books in his name or in any other name, shall previously pay to the attending commissioners, the sum of two dollars for every share to be subscribed, out of which shall be paid the expenses attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter provided.
Proviso.	SECTION 2. That when thirty or more persons shall have subscribed two hundred or more shares of the said stock, the said commissioners or any five of them, shall certify under their hand and seals, the names of the subscribers, and the number of shares subscribed by each to the governor; and thereupon it shall be lawful for the governor by letters patent under his hand and the seal of the state, to create and erect the subscribers into one body politic and corporate, in deed and in law, by the name and title of "The Limerick and Colebrookdale turnpike road company," and by the said name, the said subscribers and their assigns shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscription, if such enlargement shall be found necessary to fulfil the intent of this act, not exceeding fifty thousand dollars; and of purchasing and holding to them and their successors and assigns, and of selling and transferring and conveying in fee simple, or of any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and of being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.
Letters patent.	
Style.	
Privileges.	
Organization.	SECTION 3. That the commissioners above named, or any five of them, as soon as conveniently may be after the said letters patent shall be issued, shall give two weeks' notice in two or more public newspapers in Montgomery and Berks counties, of the time and place by them to be appointed, not less than fifteen days' notice from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers, one treasurer, who are stockholders, and such other officers as they may think necessary to conduct the business of said company for one year, and until other such officers shall be chosen, who shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering the affairs of the said company; they may make and have one common seal, and the same alter and renew at their pleasure; and in case of death, removal or resignation of the president, or any manager or other officers of the company, the board of managers may
Seal.	

and shall choose another to fill the vacancy until the next annual election of said company: *Provided*, That each stockholder shall be entitled to one vote for every share of stock held by him or her, not exceeding ten shares, at any election of the stockholders; but no stockholder shall be entitled to vote at any election of said company, unless the instalments due on the shares held by him or her shall have been fully paid and discharged.

SECTION 4. The stockholders of the company shall meet on the second Monday in December next following their organization, and on the second Monday of December of every year thereafter, at such place as shall be fixed by the by-laws, for the purpose of choosing managers and officers for the ensuing year, in manner aforesaid, and at such other times as they shall be noticed by the managers, in such manner as shall be prescribed by the by-laws; and at which annual and special meetings they shall have full power and authority to make, alter or repeal such by-laws, rules and regulations as may be necessary for managing the affairs of the company, and to do and perform any other corporate act.

Annual meeting
of stockholders.

SECTION 5. The president and managers shall procure certificates to be written or printed, and upon payment of the instalments due thereon, shall deliver one certificate, signed by the president and countersigned by the treasurer, and attested by the seal of the corporation, to each stockholder, for the number of shares held by him or her, which certificate shall be transferable at his or her or their pleasure, in person or by attorney duly authorized, in presence of the president or treasurer, on the books of the company; subject, however, to the payment of all instalments due and to become due thereon; and such transferee thenceforth shall be a member of the corporation.

Certificates of
stock.

Transferable.

SECTION 6. The president and managers shall meet at such times and places to transact the business of the company, and in such manner as shall be ordered by the by-laws; and four members shall form a quorum, who, in the absence of the president shall choose a president pro tem., and shall keep minutes of their transactions fairly entered in a book; they shall have full power and authority to make, contract, appoint surveyors, superintendents and officers as they shall judge necessary to carry on the intended work, and to fix their salaries or wages; which shall be signed by the president and countersigned by their secretary, a minute of which shall be kept, and generally to do all such acts and things as shall be committed to them.

Managers.
Quorum.
Officers.

SECTION 7. If any stockholder, whether original subscriber or assignee, after notice inserted once a week for three weeks in succession in two newspapers, of the time and place appointed for the payment of any portion or instalment of the said capital stock, shall neglect to pay such proportion at the time and place appointed, and for the space of sixty days after the time for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for every delay of such payment after the expiration of the said sixty days; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the same before paid in part and on account of such share, the same shall be forfeited by and to the said company, and may be sold by them to any person or persons willing to purchase, for such price as can be obtained therefor; or in default of payment by any stockholder of said instalments, as aforesaid, for the space of sixty days, the president and managers may, at their election, cause suit to be brought in the same manner as debts of like

Forfeiture of
stock.

amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

President and managers to lay out track, &c.

SECTION 8. It shall and may be lawful for the president and managers of said company to lay out the route or track of the said road, beginning on the northern side of the Perkiomen and Reading turnpike road, at some point at or near where the Swamp road intersects said Perkiomen and Reading turnpike, in the township of Limerick, in the county of Montgomery; thence along or near the so called Swamp road through Limerick, New Hanover and Douglass townships, in said county of Montgomery, to a point at or near Sweisford tavern in said township of Douglass; thence to some point in the township of Colebrookdale, in the county of Berks, on the state road leading from Pottstown through Boyer to Allentown; and for this purpose it shall and may be lawful for said president and managers, their superintendents, officers and laborers, to enter in and upon the lands, tenements and enclosures through and over which the said intended road may be laid out, to examine the ground and quarries of stone and gravel and other materials that may be necessary, and to survey, ascertain, mark and fix the route of said road between the limits aforesaid; and to take and occupy for the bed of the said road, such public roads and bridges (not being the property of any other company.)

Width of road.

SECTION 9. It shall be lawful for the president and managers, their superintendents and workmen, to cause a road to be laid out and opened not less than forty feet in width, nor more than sixty feet, and shall cause eighteen feet in breadth, at least, to be made an artificial road, which shall be bedded with stone, gravel or other hard substance well compacted together, a sufficient depth to secure a solid foundation for the same; and the said artificial road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm and, as nearly as the nature of the country and the materials will admit, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as not to rise nor fall more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in perfect order and repair.

Enter upon lands.

SECTION 10. In case the president and managers, and the owner or owners of any land, tenement or enclosure upon which said road may be laid out, or upon which ground gravel, stone, or other materials may be found, suitable for constructing said road, (the privilege to enter upon such lands with men, horses, carts, wagons and otherwise, for the purpose of quarrying stone, hauling ground, gravel and other materials is hereby granted,) cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freeholders to be chosen by the parties, or if they cannot agree, to be appointed by the court of quarter sessions of the county of Montgomery, who, before entering upon the duties, shall take an oath or affirmation to perform their duties with fidelity, and in determining the amount of damages, shall take into consideration the advantages as well as the disadvantages of the road; and the amount of such damages or compensation so assessed, shall be paid within one year from the time of entering upon such lands; and if either party shall be dissatisfied with the assessment of damages made as aforesaid in any case, it shall be lawful for such party to appeal from the award at the next court of common pleas, upon entering into security, and in such form as the court may direct, in which case the owner of the land shall be plaintiff, and said company defendant; and the same shall thereon be proceeded in and tried in all respects as an appeal from an award of arbitrators; and the costs shall abide the event of the appeal, in the same manner as an appeal from an

Damages, how adjusted.

award of arbitrators: *Provided*, That in case of an appeal by either party, security being given and approved by the court of quarter sessions of the county of Montgomery, it shall be lawful for said president and managers to enter upon such lands as if no other appeal had been made.

SECTION 11. As soon as the company shall have completed and perfected two miles and a half of the said road, and so from time to time when any distance not less than two miles and a half shall be completed, they shall give notice thereof to the governor, who shall thereupon appoint three skillful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a competent and workman-like manner; and if their report shall be in the affirmative, then the governor shall, by license under his hand and seal of state, permit and suffer the said president, managers and company to erect and fix such and so many gates or turnpikes upon and across said road as will be necessary and sufficient to collect the tolls and duties hereinafter mentioned and granted to the said company, from all persons traveling on the same with horses, cattle, carts and other carriages; and it shall be lawful for the said company to erect, within the limits of their road, at each of their gates or turnpikes, a toll house or dwelling house for the use of the toll-gatherer at such gate: *Provided*, That such building shall not extend more than eighteen feet towards the centre of the road, and shall not be erected immediately in front of, or within one hundred feet of any building which may be on the adjoining land, on the same side of the road with such toll house.

Viewers to examine road.

License to take toll.

SECTION 12. When the said road or any part thereof is finished from time to time, and approved as aforesaid, it shall and may be lawful for the company to appoint such and so many toll-gatherers as they shall think proper to collect and receive the tolls and rates hereinafter mentioned, that is to say: for every mile of the said road, two cents for every horse with a rider or leader, or carrying or hauling a burden; and for every mile of said road, two cents for every horse hauling a pleasure carriage, sleigh or sled for the carriage of persons; and for every mile of said road passed, two cents for every horse of three or more horses when attached to a wagon or other vehicle; for every head of horned cattle, one cent for every five miles; and for every sheep or swine, one cent for every ten miles, and proportionally for shorter distances; in cases of carriages drawn in whole or in part by oxen or mules or asses, shall be rated the same as if drawn by horses: *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the sum herein specified, and raise them again to the amount permitted in this act; and the toll gatherers may stop any horse or vehicle from passing through any toll gate until the toll is paid: *And provided further*, That no toll shall be exacted from any person passing from one part of his or her farm to another part.

Toll-gatherers.

Rates of toll.

SECTION 13. The supervisor or supervisors of any of the townships into which or through which said road extends, may subscribe upon the books of the Limerick and Colebrookdale turnpike road company, such an amount of stock as they may think proper, for which purpose they may borrow money upon the credit of said townships: *Provided*, The amount so subscribed or borrowed shall not be less than five shares nor more than twenty for the township of Limerick; not less than ten nor more than thirty for the township of New Hanover; not less than four nor more than eight for the township of Douglass, in the county of Montgomery; nor less than ten nor more than thirty shares for the township of Colebrookdale, in the county of Berks.

Supervisors may subscribe.

Dividends. SECTION 14. As soon as the annual profits of the said company shall so enable them to make such dividend, the president and managers shall, on the first Monday in February, or on any other day in every year, declare a dividend of the clear profits among the stockholders, and give notice of the time and place when and where the same will be paid.

Commencement and completion of road. SECTION 15. If the company shall not commence the said work within five years after the passage of this act, or shall not within ten years thereafter complete at least five miles of said road according to the true intent and meaning of this act, in either of these cases it shall and may be lawful for the legislature to resume all and singular the rights and privileges hereby granted to the said company.

JAMES COOPER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 387.

AN ACT

Authorizing the governor to incorporate the Hanover Branch railroad company.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Mumma, Joseph W. Schmidt, Jacob Forney, David Diehl, Jacob Young, Daniel P. Lange, Eli Lewis, F. E. Metzger, Michael Bucher, David Slager, Jacob Wirt, John R. Hershy, Jesse Frysinger, Henry Reily, Alexander H. Barnitz, William S. Jenkins, H. W. Emmert, Joseph Althoff, Peter Fleikinger, Amos Lefebre, David M. Myers, George Eichelberger, Samuel Diller, Jacob Dellone, Joseph Bittenger, John Trimmer, Joseph Fink, Henry Leib, Henry Sherman, Jacob Forry, John Ziegler and Andrew Deardorff, are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they, or any three of them, are authorized to open books at such times and places, and upon such notice as they may deem expedient, for the purpose of receiving subscriptions to the capital stock of the company herein directed to be incorporated, in the following form, to wit: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Hanover Branch railroad company the sum of fifty dollars for every share of stock set opposite our respective names, and by us respectively subscribed, in such manner and proportion, and at such times and places as may be determined and directed by the said directors in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Hanover Branch railroad company.'

Duties.

Subscription.

SECTION 2. That the capital stock of said company shall be one hundred thousand dollars, in shares of fifty dollars each, which said capital stock may be increased by the said company, if the exigencies of the said company shall require it, to any sum not exceeding five hundred thousand dollars, and any incorporated company, city or borough shall have authority to subscribe thereto, as fully as any individual; and such subscription and stock subscribed by any such incorporated body, shall be represented at elections and other acts of said company by any president, mayor or chief officer thereof, or any agent duly authorized thereby; all which subscription may be required in instalments as the company may thereafter think proper.

SECTION 4. That a majority of the commissioners named in this act, and such as shall have been substituted under the provisions thereof, shall as soon as practicable after the reception of the letters patent from the governor, give three or more weeks' notice in both of the newspapers published in the borough of Hanover, and such further notice as they may deem advisable, of a time and place for the subscribers to the capital stock of said company to meet, and shall at such time and place, proceed to hold an election by ballot, and appoint judges thereof for the purpose of electing from the stockholders a president and six managers for the management of the affairs of said company, a majority of whom shall be citizens of York and Adams counties, who shall continue in office until the day hereinafter fixed for the annual election, and until other officers are elected under the provisions hereinafter set forth.

SECTION 5. That it shall be the duty of the president and managers as speedily as convenient, and from time to time to make, alter and amend such by-laws as they may deem proper for the management and regulation of said company, which shall be and continue from thence

in force until altered or abrogated by the general meeting of the stockholders.

Annual meeting
of stockholders.

SECTION 6. That there shall be a general meeting of the stockholders of said company held in the borough of Hanover, on the second Monday of May of each and every year, for the purpose of electing a president and managers thereof, and of revising, altering, or abrogating any of the by-laws of said company, and of examining the affairs of said company; an exposition of which shall be then submitted to them by the president and managers thereof; of which meeting at least three weeks' notice shall be given by publication in such newspapers as said president and managers shall deem best calculated to give full and effectual information.

Votes.

SECTION 7. That on all occasions wherein a vote of the stockholders of said company is to be taken, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she or they shall hold, in the proportion following: that is to say, for the first share, one vote; for the next four shares, one vote; for every five shares above five, and not exceeding thirty-five, one vote; and one vote for the next ten shares above forty; but no share, or number of shares above fifty, as aforesaid, shall confer any additional right of voting; such share to be held by the person voting bona fide in his own right, or as husband, executor, administrator, guardian, trustee or assignee; and that corporations may vote by their chief, or other officer or agent duly appointed: *Provided always*, That no share of stock shall entitle the holder thereof to the right of suffrage, unless the same has been held by the person offering to vote, at least sixty days before the day of election; and that no share of stock shall confer a right to vote, on which arrearages shall be due and unpaid at the time of election.

Meeting of directors.

Officers.

SECTION 8. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tempore; such directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective shares; and to forfeit to the use of the company the share or shares of every person failing to pay any installment so required; to regulate tolls; to make such covenants, contracts and agreements with any person, co-partnership or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require; and in general to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company.

Certificates of stock.

Transferable.

SECTION 9. The directors first chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he, she or they shall subscribe for or hold in the said corporation signed by the president, countersigned by the treasurer and sealed with the common seal, subject however, to all the payments due and to grow due thereon, which stock shall be transferable on the books of said company, in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws.

Location of road.

SECTION 10. The said company be and they are hereby authorized as soon as they conveniently can, to locate and to construct a railroad of one or more tracks from such a point as may be agreed upon by said

directors within the limits of the borough of Hanover, in the county of York, to intersect the railroad leading from the Maryland line to the borough of York, at the nearest and most practicable point, and to make, construct and erect such warehouses, toll houses, carriages, cars, and all other works and appendages necessary for the convenience of the said company in the use of the said railroad; and that the said company shall have the power to borrow money on loan to enable them to finish their works, and to give mortgages, certificates, or other evidences and securities for the payment thereof; the same to be convertible or not convertible into stock, as shall be agreed on between said company and the lender or lenders.

SECTION 11. That it shall be lawful for the said company, their officers, engineers, contractors and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the route of the said railroad shall be determined upon by the said company, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use any such lands as may be necessary to carry into effect the purposes of this act, and shall also have power to enter upon any lands adjoining or in the neighborhood of such route, and to dig, take and carry away therefrom any stone, gravel, clay, sand or earth necessary for constructing, maintaining and repairing said railroad, or for constructing any bridges, culverts, viaducts, and other buildings which may be required in carrying into effect the construction, maintaining and repair of said railroad; for all which compensation shall be made to the owner or owners of any such lands and materials, as shall be agreed upon between the parties, or as is hereinafter pointed out.

SECTION 12. That when the said company cannot agree with the owners of any lands, buildings, enclosures and materials for the purchase, lease or compensation proper for damages done to or sustained by, or likely to be done to or sustained by any such owners of such lands and materials, which it may be necessary for said company to enter, occupy, use or pass over, or to take away in the construction and repair of said railroad, or when by reason of any legal incapacity of any such owner to contract, or in consequence of the absence of such owners or owner no such purchase, lease or compensation can be agreed upon, the court of quarter sessions of the county in which such railroad is being constructed, on application thereto by petition, either by said company or owner, or any one in behalf of either and at the costs and charges of the said company when the application is made by said company, or when the said company is adjudged to pay damages, shall issue their precept to the sheriff of said county, commanding said sheriff to summon twelve discreet and disinterested persons from said county to meet on or adjoining the lands required, or from whence materials are to be taken, or at some convenient adjacent place, in not less than ten nor more than twenty days thereafter, giving such reasonable notice as the court may designate to both parties, as may be best calculated to advise an absent party; and if ten or more of said jurors attend, they shall be empanelled; and if ten do not attend, the sheriff may summon others at a day fixed by him for that purpose or at once; and the said ten or more jurors being so empanelled and sworn or affirmed faithfully, justly and impartially to value the lands and tenements so occupied, used or required, or intended to be occupied, used or required for such railroad and works therewith connected, and all the damages which the owner or owners will sustain, or may have sustained by reason of the construction or proposed construction, repair or proposed repair of the said railroad, as the case may be, taking into consideration the advan-

Enter upon
lands.

Damages, how
adjusted.

tages and disadvantages of the same to the owner or owners, according to the best of their knowledge and judgment; and in case of materials taken, or proposed to be taken for the purposes aforesaid, that they will faithfully, justly and impartially value the materials so taken or to be taken, and find the rate of compensation to be paid therefor by said company, taking in consideration the advantages and disadvantages arising to said owner from the construction of said railroad and works thereof; and thereupon the said inquest shall proceed to view the lands and tenements so used or intended to be used, and the materials used or intended to be used, or if necessary the place wherever taken, and to hear the evidence of the several parties, and for that purpose shall have power to swear or direct the swearing or affirming of witnesses, and make report of their proceedings, stating the damages assessed or compensation adjudged, and to whom payable and in what manner to the said court, who, upon confirmation thereof, may order such damages to be paid, or order new inquisitions until justice is rendered: *Provided always nevertheless*, That any owner or owners applying for a review shall be liable for the costs of the proceedings prayed for, in case a report more favorable is not obtained on such review.

Said road not to
impede public
or private roads.

SECTION 13. That the said company shall so construct the said railroad as not to impede the free use and passage of any public or private roads which they may find it expedient to intersect; but it shall be the duty of said company to cause to be made sufficient bridges and causeways over any such roads so intersected, as soon as expedient, so as to enable all persons and vehicles to pass over the railroad with safety and convenience, and to maintain such causeways and bridges in good repair; and said company, for the accommodation of all persons owning or possessing lands through which said railroad may pass, shall cause to be made good and sufficient bridges or causeways at such convenient places as the owner or occupier may designate, so as to enable such owner or occupier and others to pass over the same with wagons and other vehicles with safety: *Provided always*, That the said company shall not be obliged to make more than one bridge or causeway upon each plantation or lot of ground.

Bridges.

SECTION 14. That the said company shall permit, at any time, such bridges or causeways to be made across said railroad, at the intersection of any public or private road as the reviewers laying out the same may deem expedient: *Provided*, That the same be so made as not to impede or render inconvenient the passage of the cars and carriages upon said railroad; and the said company shall also permit any owner of lands through which the said railroad may pass, to erect such bridges or causeways as the court of quarter sessions of the county may adjudge convenient and proper, upon views and reviews conducted as required by the general road laws of this commonwealth: *Provided*, The same are so constructed as not to impede or render inconvenient the passage of cars and carriages upon such railroad.

When cars, car-
riages, &c., may
be placed on road.

SECTION 15. That as soon as any portion of said railroad is completed, the said company shall have power to place thereon cars, carriages or wagons, constructed as they may deem best adapted for the transportation of passengers and commodities; and shall also have power to permit individuals and other railroad companies to place locomotives, cars, carriages or wagons thereon, of such construction, and under such limitations and restrictions, as they may deem proper; and the said company is hereby authorized to charge and take toll for freight and transportation of passengers, goods, wares, merchandize and commodities, at such rates as the president and board of managers of said company may from time to time establish.

SECTION 16. That any person or persons who shall wilfully and maliciously, by any means, injure or destroy any part of the railroad constructed by said company, or any of the works, buildings, vehicles, machines, engines, implements or materials of said company, such person so offending, on conviction thereof, shall be punished by fine and imprisonment, at the discretion of the court, in the county jail of the county of York, for any term not exceeding three years. Penalty for injuries.

SECTION 17. That no stockholder indebted to the company shall be allowed to transfer his stock, or any part thereof, or to receive any dividend, or any portion thereof, until such debt is discharged or satisfactorily secured. When persons not entitled to dividends.

SECTION 18. That if after thirty days' notice, in public papers, of the time and place appointed for the payment of any instalment of the said capital stock, any stockholder shall neglect to pay such instalment at the place and time appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay legal interest thereon from the time such instalment was required to be paid; and if such stockholder shall neglect the payment thereof for the space of ninety days, the said company shall have the right to declare the said stock and all the payments thereon forfeited to the company; and after such declaration of forfeiture, the said stock and payment shall be vested in said company, to whom power is hereby given to sell and dispose of the same for the use of the said company: *Provided always*, That the said company shall have the power to sue for and recover such instalments, at their election. Forfeiture of stock.

SECTION 19. Dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least once a year, and paid to the stockholders or their legal representatives on demand, at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors or managers shall make any dividends which shall impair the capital stock of said company, those of them consenting thereto shall be liable in their individual capacities to the said company for the amount of the stock so divided, and each manager present when such dividend shall be made shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders at the declaring such dividend. Dividends.

SECTION 20. No suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, or the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act. Suits.

SECTION 21. That the commissioners appointed in the first section of this act shall have the power to manage and conduct the affairs of the company hereby incorporated, until the officers thereof shall be elected, as directed by this act: *Provided*, That nothing herein contained shall be so construed as giving the said company any banking privileges, liberties or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers and the transportation of goods, merchandize and commodities thereon. Powers of the commissioners appointed in the first section.

Commencement
and completion
of road.

SECTION 22. That the president, managers and company shall proceed to carry on said work within five years from the passage of this act, and shall not complete the same as aforesaid in ten years, according to the true intent and meaning of this act, or if after the completion of said railroad the company shall suffer to go to decay and be impassable for the space of two years, then this charter shall become null and void, except so far as to compel said company to make reparation for damages.

JAMES COOPER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 388.

AN ACT

Authorizing the governor to incorporate the Zeiglerville and Kutztown turnpike road company.

Commissioners,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That for the purpose of making a turnpike road beginning at the Perkiomen and Summeytown turnpike road at any convenient point at or near Zeiglerville, in the township of Frederick, in the county of Montgomery, and thence by way of Dale iron works to Kutztown, in the county of Berks, William Heiderrich, Isaac De Turk, George Beiber, David Kutz, Daniel K. Hottenstine, David Fisher, David Schall, Henry Landes, Christian K. Shultz, Samuel Young, of Berks county; Amos Shultz, Abraham Eshbach, Abraham Beehtel, Aaron B. Covey, John Hines, John H. Steiner, Charles Pennypacker, Henry Zeigler, Aaron Schwenk, William Schall, Henry Longaker, William Worrell, Samuel H. Bartolet and David Beard, of Montgomery county, be and they are hereby appointed commissioners to do and perform the duties herein mentioned; that is to say, they shall procure a book or books and therein enter as follows: "We whose names who are hereunto subscribed, do promise to pay the president and managers of the Zeiglerville and Kutztown turnpike road company, the sum of fifty dollars for every share of stock by us subscribed, in such manner and proportions and at such times and places as shall be determined on by said president and managers, in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Zeiglerville and Kutztown turnpike road company.' Witness our hands the day of Anno Domini, one thousand eight hundred and , and shall

Subscription:

give at least thirty days' notice in one newspaper published in Pottstown, and one published in Kutztown, of the time and place when and where the said books shall be opened to receive subscription of stock of the said company, at which time and place two or more of said commissioners shall attend and receive subscription from all persons of lawful age, who in person or by attorney shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day for the space of six days, or until the book shall have subscribed therein twelve hundred shares; and the said commissioners may adjourn from time to time and transfer the books from place to place until the whole number of shares shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as they may deem necessary: *Provided always*, That every person offering to subscribe in the said books in his own name or in any other name, shall previously pay to the attending commissioners the sum of two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter provided.

SECTION 2. That when fifty persons or more shall have subscribed three hundred or more shares of the said stock, the said commissioners or a majority of them, shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each to the governor; and thereupon it shall and may be lawful for the governor by letters patent under his hand and seal of the state, to create Letters patent. and erect the subscribers into one body politic and corporate in deed and in law, by the name, style and title of "The Zeiglersville and Kutztown turnpike road company," and by the said subscribers and their assignees shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscription in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or of any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do. Privileges.

SECTION 3. That the commissioners above named, as soon as conveniently may be after the said letters patent shall be issued, shall give two weeks' notice in the newspapers published in Pottstown and one published in Kutztown, of the time and place by them to be appointed not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, twelve managers, one treasurer, who are stockholders, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; who shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering the affairs of the said company; they may make and have one common seal, and the same alter or renew at their pleasure; and in Organization. Officers. By-laws.

case of the death, removal or resignation of the president or any manager or other officer of the company, the board of managers may and shall choose another to fill the vacancy until the next annual election of said company : *Provided always*, That each stockholder shall be entitled to one vote for each share of stock held by him or her not exceeding ten shares, at any election or meeting of the stockholders ; but no stockholder shall be entitled to vote at any election or meeting of said company, unless the instalments due and payable on the shares held by him or her have been fully paid and discharged.

Treasurer, vacancy of, how supplied.

SECTION 4. If any treasurer elected by virtue of this act shall die, resign or refuse to act, or shall neglect to give security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all duties of said office, it shall be the duty of the said managers for the time being to appoint some suitable person treasurer, who shall hold the office until the next election by the stockholders, on his giving the security which may be required by the managers, and until a successor shall be duly elected and qualified.

Annual meeting of stockholders.

SECTION 5. The stockholders of the company shall meet on the second Monday in December next following their organization, and on the second Monday in December of every year thereafter, at such place as shall be fixed by the by laws, for the purpose of choosing managers and officers for the ensuing year, in manner aforesaid, and at such other times as they shall be notified by the managers, in such manner as shall be prescribed by the by-laws ; at which annual and special meetings they shall have full power and authority to make, alter or repeal such by laws, rules and regulations as may be necessary for managing the affairs of the company, and to do and perform any other corporate act.

Certificates of stock.

SECTION 6. The president and managers shall procure certificates to be written or printed, and upon the payment of the instalment due thereon shall deliver one certificate signed by the president and countersigned by the treasurer, and attested by the seal of the corporation, to each stockholder for the number of shares held by him or her, which certificate shall be transferable at his, her or their pleasure, in person or by attorney duly authorized, in presence of the president or treasurer, on the book or books of the company ; subject, however, to the payment of all instalments due and to become due thereon ; and such transferee thenceforth shall be a member of the corporation.

Transferable.

Meeting of president and managers.

SECTION 7. The president and managers shall meet at such times and places to transact the business of the company, and in such manner as shall be ordained by the by laws ; and seven members shall form a quorum, who, in the absence of the president, may choose a president pro tem., and shall keep minutes of all their transactions fairly entered in a book ; and shall have full power and authority to make contracts, appoint surveyors, superintendents, artists and officers as they shall judge necessary to carry on the intended work, and to fix their salaries or wages, which shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary, a minute of which shall be kept, and generally to do all such acts, matters and things as by the laws, rules, orders and regulations of the company shall be committed to them.

Forfeiture of stock.

SECTION 8. If any stockholder, whether original subscriber or assignee, after notice inserted once a week for four weeks in succession in two newspapers published in Pottstown and in one published in Kutztown, of the time and place appointed for the payment of any propo-

tion or instalment of the said capital stock, shall neglect to pay such proportion at the time and place appointed, and for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for every delay of such payment after the expiration of the said sixty days; and if the same and said additional penalty shall become equal to the sums before paid in part and on account of such share, the same shall be forfeited by and to the said company, and may be sold by them to any person or persons willing to purchase, for such price as can be obtained therefor, or in default of payment by any stockholder of said instalments as aforesaid, for the space of sixty days, the president and managers may cause suit to be brought, in the same manner as debts of a like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

SECTION 9. It shall and may be lawful for the president and managers of said company to lay out the route or track of said road, beginning on the western side of the Perkiomen and Sumneytown turnpike road, at some point at or near Zieglerville, in the township of Frederick, in the county of Montgomery; and thence by such route as shall appear to the said managers to be advisable, by way of the Dale iron works, in the township of Dale, in the county of Berks, on to such point as said managers shall select for its termination, in or near the borough of Kutztown, in said county; and for this purpose it shall and may be lawful for the said president and managers, their superintendents, surveyors or engineers, artists, workmen and laborers, to enter in and upon the land, tenements and enclosures through and over which the intended road may be laid out; to examine the ground and quarries of stone and gravel and other materials that may be necessary in constructing said road, and survey, ascertain, mark and fix the route of said road between the limits aforesaid, and to take and occupy for the bed of the said road, such public roads and bridges not being the property of any other company.

Location of road.

Enter upon lands.

SECTION 10. It shall be lawful for the president and managers, their superintendents, engineers, artists and workmen, to cause a road to be laid out and opened, not less than thirty-three feet in width nor more than fifty, unless the same would interfere with buildings or houses, and shall cause twenty feet thereof in breadth at least, to be made an artificial road, which shall be bedded with stone, gravel or other proper materials well compact together, of sufficient depth to secure a solid foundation for the same; and the said artificial road shall be faced with small hard substance, in such manner as to secure a firm and, as near as the nature of the country and the material will admit, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as not to rise nor fall more than four degrees from a horizontal line, and shall forever thereafter maintain and keep the same in perfect order and repair.

Width of road.

SECTION 11. In case the said president and managers, and the owner or owners of land, tenement or enclosure through which the said road may be laid out, cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freeholders to be chosen by the parties, or if they cannot agree, to be appointed by a justice of the peace of the county, who, before entering on their duties, shall take an oath or affirmation to perform their duties with fidelity; and in determining the amount of damages, shall take into consideration the advantages as well as disadvantages of the road; and the amount of such damages or compensation so assessed, shall be paid by

Damages, how adjusted.

said company, or adequate security therefor, to be approved by the court of said county, for the payment thereof in one year, shall be given before the land of such owner shall be taken or occupied by said company; and if either party shall be dissatisfied with the assessment of damages made as aforesaid, in such case it shall be lawful for such party to appeal from the award at the next court of common pleas, upon entering into security, and in such form as the court may direct, in which case the owner of the land shall be plaintiff, and the said company defendant; and the same shall thereon be proceeded in and tried in all respect as an appeal from an award of arbitrators, and the cost shall abide the event of the appeal, in the same as in an appeal from the award of arbitrators: *Provided*, That in case of an appeal by either party, upon security being given as aforesaid, for the amount of compensation or damages assessed as aforesaid, it shall be lawful for the president, managers, their superintendents, artists and laborers, with horses, carts and wagons, tools and implements, to enter upon all such lands so assessed and secured, to make, construct, grade and finish said road, and do all other matters necessary for carrying out the objects of this act, as freely and as uninterruptedly, as if full compensation had been made for all such lands.

Viewers.

License to take toll.

SECTION 12. As soon as the company shall have perfected two miles and a half of the said road, and so from time to time when any distance not less than two and a half miles shall be completed, they shall give notice thereof to the governor, who shall thereupon appoint three skillful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a competent and workmanlike manner; and if their report shall be in the affirmative, then the governor shall, by license under his hand and seal of state, permit and suffer the said president and managers to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter mentioned or granted to said company, from all persons traveling on the same with horses, cattle, carts and other carriages; and it shall be lawful for the said company to erect within the limits of their road, at each of their gates or turnpikes, a toll house or dwelling house, for the use and accommodation of the toll gatherer at such gate: *Provided*, That such building shall not extend into the said road from the edge thereof, more than eighteen feet, and shall not be erected immediately in front of or within one hundred feet of any building which may be on the adjoining land, on the same side of the road with such toll house.

Toll-gatherers.

Rates of toll.

SECTION 13. When the said road, or any part thereof, is completed from time to time, and approved as aforesaid, it shall and may be lawful for the company to appoint such and so many toll-gatherers as they shall think proper to collect and receive of, and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned; that is to say, for every mile of the said road one cent for every horse with a rider or leader or carrying or hauling a burden; and for every mile of said road two cents for every horse hauling a pleasure carriage or sleigh for the carriage of persons; and for every mile of said road two cents for every horse of three or more attached to a vehicle of burden; for every head of horned cattle one cent for every five miles; for every sheep or swine one cent for every ten miles, and proportionately for shorter distances; and in case of a carriage drawn in whole or in part by oxen, two oxen shall be estimated as one horse; and for fractional parts of toll, not equal in value to any denomination of coin in circulation, the said company may take and receive the next highest circulating denomination: *Provided*, That the said company may, at

their discretion, regulate the tolls so as to reduce them below the sums herein specified, and raise them to the amount again permitted by this act, during such times and seasons, and with such discrimination as the said company may think most expedient; and the toll gatherers may stop any horse or vehicle, carriage, mule, oxen, et cetera, from passing through any toll-gate until the toll shall be paid; *And provided further*, That no toll shall be exacted from any person passing from one part of his, her or their farm to another, nor for any persons attending funerals or riding in military procession, or going to and from places of public worship on the Sabbath day.

SECTION 14. If any person or persons riding in or driving any carriage of burden or pleasure as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the toll or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act; or any person or persons shall, with the intent aforesaid, take off or cause to be taken off any horse or other beast or cattle of burden or draught from any carriage of burden or pleasure, or shall practice any other fraudulent means or device with the intent to evade or lessen the payment of any such toll or duty, every such person or persons shall, on conviction before any justice of the peace of the proper county for every such offence, forfeit and pay to the president and managers of said company any sum not exceeding ten dollars for the use of said company.

Penalty for frauds.

SECTION 15. If the said company shall neglect to keep the said road in good traveling order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace in the vicinity of where the repair ought to be made, such justice shall issue a precept, directed to any constable, commanding him to summons three disinterested persons to meet at a certain time in said precept to be mentioned, at the place on the said road which shall be complained of; of which meeting notice shall be given to the keeper of the gate nearest thereto; and the said justice shall at such time and place, on the oath or affirmation of the said persons, inquire whether the said road, or any part thereof, is in good traveling order, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair contrary to the intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the gates between which such defective place shall be; and from thenceforth the toll hereby authorized to be collected at such gates, shall cease to be demanded or collected until the said defective part or parts of the said road shall be put in good order and repair as aforesaid; and if the same shall not be put in good order before the next court of quarter sessions to be held for the county in which the defect is proved to be, the justice shall certify and send a copy of the inquisition aforesaid to the judges of said court; and the court shall thereupon cause process to be issued, and bring in the body or bodies of the persons entrusted by the company with the care and superintendence of such part of the road as shall be found defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of duty; and if the person or persons entrusted by the company as aforesaid shall be convicted of the offence in and by the said inquisition charged, the said court shall give judgment as in the case of supervisors of the highway neglecting their duties; the penalties to be imposed shall be recovered in the same manner as fines for misdemeanors are usually

Company to keep road in good order, &c.

recovered in the said court, and shall be paid to the supervisors of the township wherein the offence was committed, to be used for the repairing of public roads in the said township.

Relative to driving of wagons, &c.

SECTION 16. That all drivers of wagons and of carriages of all kinds on said road, shall, excepting when passing by a carriage of slower draught, keep their horses on the right hand side of the road in the passing direction, leaving the other side of the road free and clear for the other carriages to pass or re pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person aggrieved, who shall sue for the same, to be recovered, with costs, before any justice, in the same manner as debts of equal amount are or may by law be recoverable.

Supervisors of the several townships through which road passes may subscribe, &c.

SECTION 17. That the supervisors of the townships through which the said road shall pass in Montgomery and Berks counties respectively, shall be allowed to subscribe shares of stock in said road, to an amount not exceeding three thousand dollars for each township, the amount to be determined by a vote of the citizens of each township, at an election to be held on the first Monday in September after the passage of this act, at the usual place for holding elections for supervisors in each township, said election to be kept open between the hours of ten, A. M., and six, P. M.; the supervisors of each township shall be the judges of said elections, and make return thereof, under oath or affirmation, to the nearest justice of the peace in said township, and to be conducted in all other respects as township elections for supervisors usually are; the dividends of the shares subscribed to be paid to the supervisors of the townships respectively, for the use of the townships, in the same proportion and manner as they are paid to individual stockholders; the supervisors in said township shall act as agent, to represent in the same manner provided in the bill for individual stockholders: *Provided*, The supervisors of the townships aforesaid be authorized and empowered to borrow money to pay the instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per cent. per annum, and payable at any time not exceeding fifteen years; which certificates shall be binding on the said townships.

Penalty for injuries to company's works.

SECTION 18. If any person or persons shall wilfully injure or destroy any gate, post, building or other fixtures of the company, or shall, without permission from the acting superintendent of the said road, throw out upon the road, or within the limits thereof, any wood, stone, dirt or rubbish of any kind, and shall suffer the same to remain for the space of one day after notice thereof shall have been given to the persons so offending, shall, for each and every such offence, on conviction thereof, by the evidence of one or more credible witnesses, before any justice of the peace of the county in which the offence shall have been committed, pay a fine not exceeding ten dollars, with costs, to be recovered as debts of a like amount are recoverable, for the use of the said company.

Penalty for demanding excessive tolls.

SECTION 19. If any toll-gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded shall have actually traveled along said road, or may actually travel between any gate, or shall demand and receive a greater toll than he is authorized to receive by this act, such toll-gatherer shall, upon conviction thereof before any justice of the peace in the proper county, forfeit and pay the sum of ten dollars for every such offence, to the use of the directors of the poor and house of employment of said county.

Suits.

SECTION 20. No suit or action shall be brought or prosecuted for any penalty incurred under this act, unless such suit shall be commenced

within three months after the offence; and the defendant in such suit may plead the general issue, and give this act and the special matter in evidence, and that the same was done in *the* pursuance and by the authority of this act.

SECTION 21. The president and managers of the said company shall keep fair and just accounts of all moneys which may be received or paid by them, or expended in the prosecution of their works, and shall at least once in every year submit such account to a general meeting of the stockholders, and whenever it shall be found that the said capital stock will be insufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the said president and managers and company, at a stated or special meeting to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares in like manner and under like penalties as are hereinbefore provided for the original subscription. Accounts.

SECTION 22. As soon as the annual profits of the said road shall enable them to make such dividend, the president and managers shall on the first Monday in February in every year, declare a dividend of the clear profits among the stockholders, and give notice of the time and place when and where the same will be paid. Dividends.

SECTION 23. If the said company shall not proceed to carry on the said work within five years, or shall not within ten years from the passage of this act complete the said road to the Dale iron works, in the county of Berks aforesaid, according to the true intent and meaning of this act, then and in either of those cases all and singular the rights, privileges, liberties and franchises hereby granted to said company shall revert to this commonwealth. Commencement
and completion
of road.

JAMES COOPER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

[1848.]

No. 405.

A N A C T

To incorporate the president and managers of the Saltsburg and Clarksburg turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel S. Jamison, Andrew R. Sloan, John Ralston, John M. Marshall, John G. Thompson, John Farren, Thompson M'Crea, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall on or before the first Monday in September next, procure two books and in each of them enter as follows. "We whose names are hereunto subscribed, do promise to pay the president and managers of the Saltsburg and Clarksburg turnpike road company, the sum of twenty-five dollars for every share of stock set opposite our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An Act to incorporate the president and managers of the Saltsburg and Clark-burg turnpike road company." Witness our hands the day of in the year of our Lord, one thousand eight hundred and forty-seven;" and thereupon shall give notice in two papers printed in the county of Indiana, for at least three insertions, when and where the said books shall be open to receive subscriptions for the stock of the said company, at which time and places one of said commissioners shall attend and permit and suffer all persons of lawful age who shall offer to subscribe in said books in their own names or in the name or names of any other persons who shall duly authorize the same, for any number of shares of said stock; and the said books shall be kept open respectively, for the purpose aforesaid, at least six in hours every juridical day for the space of three days, or until the said books shall have fifty shares therein subscribed; and if at the expiration of the said three days, the books aforesaid shall not have the said number of fifty shares therein subscribed, the commissioners, respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournments and transfer the commissioners shall give such public notice as the occasion may require, and when the whole number of shares subscribed shall amount to fifty the same shall be closed: *Provided always*, That every person offering to subscribe in said books in his own or in any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over*

Commissioners.

Subscription.

Who may subscribe.

to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

SECTION 2. When ten persons or more shall have subscribed twenty-five shares of the said stock, said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the name of the subscribers, and the number of shares subscribed by each to the governor of this commonwealth; whereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of the Salisbury and Clarksburg turnpike road company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Style.

Privileges.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two or more public papers printed in the county of Indiana, of a time and place by them to be appointed, not less than twenty one days from the time of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, in person or by proxy duly authorized, one president, ten managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in January next, and until such other officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering of the affairs of said company: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at any such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

Organization.

Officers.

By-laws.

SECTION 4. The said company shall meet on the first Monday in April in every year, at such place as shall be fixed on by their by laws, for the purpose of choosing such other officers as aforesaid for the ensuing year in manner aforesaid, and at such other times as they may be summoned by the managers in such manner and form as shall be prescribed by the by-laws of the company; at which annual or special meetings they shall have power and authority to make, alter or repeal by a majority of votes in manner aforesaid, all such by-laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.

Annual meeting.

SECTION 5. The president and managers first to be chosen as aforesaid, shall issue certificates of stock to the subscribers severally respectively, signed by the president, and countersigned by the treasurer

Certificates of stock.

Transferable.

of the said company; which certificate shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payment due and that may become due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company as aforesaid at the meeting thereof.

SECTION 6. If, after thirty days' notice in two or more of the public newspapers in the county of Indiana, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend at the place appointed, for three months after the time so appointed, every such stockholder or his assignee shall, in addition to the dividends so called for, pay at the rate of five per cent. per month for delay of such payment; and if the same and the said additional penalty shall remain unpaid for the space of twelve months, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

Forfeiture of stock.**President and managers.****Quorum.****Powers of the president and managers.**

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws; and when met six members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being formed, they shall have power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages; to ascertain the times when and manner and proportion in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work; to draw orders on the treasurer for moneys necessary to pay the salaries or wages of persons by them employed, and for labor done and materials provided in the prosecution of the work; which order shall be entered on the book of minutes, and shall be signed by the president, or in his absence, by the chairman, and countersigned by their secretary, and generally to do all such other acts, matters and things as by this act and the by-laws, rules and regulations of the company shall be committed to them.

Location.

SECTION 8. The said road shall commence at or in the borough of Salisbury, in the county of Indiana, be continued by the most practicable route to the village of Clarksburg, in said county of Indiana.

Width of road.

SECTION 9. The president and managers and company shall cause a road to be laid out of not less than forty feet in width, in such a manner as not to injure any of the present buildings on the route, and at least sixteen feet thereof be made good and substantial turnpike road, to secure a firm and, as near as the materials will admit of, an even surface, and in no place rise or more than will form an angle of five degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order from the place of beginning to termination thereof; and the president and managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

Enter upon lands.

SECTION 10. The said president and managers shall have power and authority by themselves, or their superintendents, engineers, artists and workmen, to enter in and upon and occupy all land on which the said turnpike road may be located, or which may be necessary for the erection of gates and toll houses, or any other purpose necessary or useful in the construction and repairs of the said turnpike road, and therein

dig, embank, make and construct the same; and in case the said president and managers, and the owner or owners of any lands or enclosures through which the said road may be laid out, cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freeholders to be chosen by the parties, or if they cannot agree, to be appointed by a justice of the peace, who, before entering on their duties, shall take an oath or affirmation to perform their duties with fidelity; and in determining the amount of damages, shall take into consideration the advantages of the road; and the amount of such damages or compensation so assessed shall be paid by said company, or adequate security therefor, to be approved of by the judges of the court of such county where the defendant resides, for the payment thereof, shall be given before the lands of such owner shall be taken or occupied by said company; and if either party shall be dissatisfied with the assessment of damages made as aforesaid in any case, it shall be lawful for such party to appeal from the award at the next court of common pleas, upon entering into security, and in such form as the court may direct, in which case the owner of the land shall be plaintiff, and the said company defendant; and the same thereon shall be proceeded in and tried in all respects, as an appeal from an award of arbitrators, and the costs shall abide the event of the appeal, in the same manner as in an appeal from an award of arbitrators: *Provided*, That in case of an appeal by either party, security being given as aforesaid for the amount of compensation or damages assessed as aforesaid, it shall be lawful for the said president and managers, their superintendents, artists, laborers, with horses, carts and wagons, tools and implements, to enter upon all such lands so assessed and secured, to make, construct, grade and finish said road, and do all other matters necessary for carrying out the objects of this act, as freely and as uninterruptedly as if full compensation had been made for all such lands.

Damages, how
adjusted.

SECTION 11. So soon as the said president, managers and company shall have perfected the said road the distance of two miles, and also, when they have completed the remainder of the distance, they shall give notice thereof to the governor of the commonwealth, who shall, thereupon, forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall in either case be in the affirmative, then the governor shall, by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix so many gates upon and across the said road as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts and carriages: *Provided*, That all persons attending funerals or places of worship and military parades, their horses and carriages, shall be exempt from payment of tolls in going to or returning therefrom.

Appointment of
viewers.

License to take
toll.

SECTION 12. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned; and to stop any person riding, leading, or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wains, sleigh, sled or any other carriage of burden or pleasure from passing through the said turnpike until they shall respectively have paid the same; that is to say, for every five miles in length of the said road, completed and licensed as

Toll-gatherers.

Rates of toll.

aforesaid, the following sums of money, and so in proportion for any less distance, or for any less or greater number of sheep, hogs, or cattle, to wit: for every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, eight cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; and for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches and not exceed seven inches, three cents for every horse drawing the same; and for every cart or wagon the breadth of whose wheels shall be more than seven inches and not more than ten inches, two cents for every horse drawing the same; and if any person or persons shall represent to the said company or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud said company of its toll or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company the sum of one dollar; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence, to the use of the poor of the township in which the said forfeiture is incurred, and for the payment of which the said company shall be responsible.

Further provisions as to toll.

SECTION 13. All such carriages as aforesaid to be drawn by oxen in the whole, or partly by oxen, of which two shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

Company required to keep the road in good order, &c.

SECTION 14. If the said company shall neglect to keep the said road in good and perfect order for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place in the said road which shall be complained of which meeting notice shall be given to the keeper of the gate on the turnpike nearest thereto, within the said county; and the said justice, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, shall cause an inquisition to be made, under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the gates on said turnpike, between which such defective place shall be; and from thenceforth the

tolls hereby granted to be collected at such turnpike gate, shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order before the next general court of quarter sessions of the peace to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court; and the said justices shall thereupon cause process to issue, and bring in the body of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of the highways, for neglect of their duty; and if the person or persons entrusted by the said company shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, be applied to repairing the public roads within such township.

SECTION 15. If any person or persons whosoever owning, riding in or driving any sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gate or bars, along or over any private gate and bars, or along or over any passage way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected, in pursuance of this act, with an intent to defraud the company and avoid the payment of toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent take off, or cause to be taken off, any horse, mule, mare or gelding, or other cattle, from any sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or means aforesaid offending, for every such offence shall respectively forfeit and pay to the president and managers and company of the Saltsburg and Clarksburg turnpike road, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of a similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and said prosecution shall not be sustained on the part of the prosecutors, then and in that case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Penalty for defrauding company of toll.

SECTION 16. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and the amount of profits on the shares which may be forfeited as aforesaid; also all moneys by them expended in the prosecution of their work; and shall once at least in every submit such

Accounts.

accounts to a general meeting of the stockholders, until the said road shall be completed, and until all costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or when the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such an extent as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys subscribed for such shares, in like manner and like penalties as are hereinbefore provided for the original subscription, as shall be provided for by their by-laws.

Accounts of tolls. SECTION 17. The said president and managers and company shall also keep a just and true account of all and every of the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road from the beginning to the end thereof, and shall make and declare a dividend, and when such dividends shall exceed twelve per cent. per annum, then one-half of the surplus exceeding twelve per cent. to be paid into the state treasury for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company, the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall on the first Mondays in November and May in every year, publish the half yearly dividends made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Wagons and drivers to keep on the right hand, &c. SECTION 18. All wagoners and drivers of carriages of all kinds, whether of burden or pleasure using said road, shall (except when passing by a carriage of slower draught,) keep their horses and carriages on the right hand side of said road, free and clear for other carriages to pass and re-pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars to any person who shall be obstructed in his passage, as will sue for the same, to be recovered with costs before any justice in the same manner as debts of like amount are by law recoverable; and no wagoner or driver of carriages of any kind, whether of burden or pleasure using said road, shall pass any vehicle going in the same direction in a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one-half to the use of said company and the other half to the use of the informant.

Commencement and completion of road. SECTION 19. If the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then in either of those cases all and singular the rights, liberties and privileges and franchises hereby granted to the company, shall revert to this commonwealth.

Restrictions. SECTION 20. That the legislature hereby reserves the right to alter, amend or annul this act at any time when in their opinion it shall be-

come necessary for the public good: *Provided*, That no injury be done to the corporators and stockholders of said company.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 406.

AN ACT

To incorporate the village of Youngsville, in Warren county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That James A. Alexander, Chauncy Smith, and F. W. Brigham, of Brokenstraw township, are hereby appointed commissioners to survey, define and mark out boundaries to a territory lying in the township of Brokenstraw, and county of Warren; said territory to be surveyed or laid out, not to exceed one mile from the bridge across the Brokenstraw creek, in the village of Youngsville, or from such part or parts of tracts of land including the village of Youngsville, as to them shall appear the most proper and convenient for the purpose hereinafter mentioned; and said commissioners shall make return of said survey to the recorder of Warren county, who shall record the same as evidence of said boundaries, and the territory so designated is hereby erected into a borough, to be called the borough of Youngsville.

Commissioners
to define bounda-
ries.

SECTION 2. That the inhabitants of said borough qualified to vote for members of the general assembly, shall on the first Tuesday of February next, and on the first Tuesday of February in every year thereafter, meet at the house of Peter S. Wade, in said borough, and then and there between the hours of one o'clock and six o'clock in the afternoon, elect by ballot one citizen who shall be styled the burgess of said borough, and four other citizens to be members of the town council, and at the first election three school directors, one to serve for one year, one to serve for two years, and one to serve for three years, and thereafter one school director annually, and one person to be constable of said borough, whose name shall be returned to the next court of quarter sessions, in like manner as persons elected township constable; the said inhabitants shall also at the same time and place elect two justices of the peace, judge and inspectors of election and assessor agreeable to the laws of this commonwealth; the said election shall be conducted in the same manner as provided for the election of township officers of this commonwealth, except that the certificates of the election of bur-

Annual election.

Officers.

- Proviso.** gess, town council and school directors shall be filed among the records of the corporation; *Provided*, That the first election under this act be held by a judge and inspector, to be chosen by the inhabitants present at the opening of the election, by the constable of the township of Brokenstraw, who is hereby required to attend at the said house of Peter S. Wade, on the first Tuesday of February, in the year one thousand eight hundred and forty-nine, at one o'clock in the afternoon for that purpose, and to give at least ten days' public notice of said election; and in case of said constable's neglect or inability to give said notice and attendance, then either one of the road commissioners of the township of Brokenstraw, is hereby authorized to act in said constable's stead.
- Style.** **SECTION 3.** That from after the first Tuesday of February, one thousand eight hundred and forty-nine, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style and title of the burgess and town council of the borough of Youngsville, and shall have, possess and enjoy all the rights, liberties, franchises and privileges of a borough incorporated in pursuance of the act passed the first of April, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs," and the several provisions of said act, so far as the same are not inconsistent with this act, shall extend to and be in force within said borough, as fully as if the said borough had been incorporated agreeable to the provisions thereof.
- Justices of the peace.** **SECTION 4.** That justices of the peace residing in said borough shall continue to hold their commissions as if this act had not been passed, and the first election for justices under this act, shall be held on the first Tuesday of February, one thousand eight hundred and forty-nine.
- Constable.** **SECTION 5.** The constable of said borough shall perform the duties of high constable therein until otherwise provided: *Provided*, The burgess of and town council may authorize the election or appointment of high constable if they deem it expedient.
- Proviso.** **SECTION 6.** The said borough shall be two separate school districts, the Big Brokenstraw creek making the division line, and shall be entitled to all arrearages of taxes levied on the property within the same, and not specifically appropriated prior to the passage of this act; and the school directors elected under this act shall perform the same duties, and possess like powers in all respects as school directors elected agreeable to the general laws of this commonwealth.
- Form two separate school districts.** **SECTION 7.** That the said borough shall be a separate election district, and the electors thereof shall hold their borough and general elections at the house of Peter S. Wade, in said borough.
- Election districts.**

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 407.

A N A C T

To incorporate the president, managers and company of the Hatboro' and Hartville turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Gove Mitchell, Joseph B. Yerkes, William Glasgow, Elijah W. Beans, Hiram Reading, Joseph Hart, Samuel Craven, John C. Beans, Charles H. Hill, Jacob Fretz, Asa Comly, Herman Yerkes, Ezra Wamsly, Robert Darrah and John Engard, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall, on or before the first day of July next, procure two books, and in each of them enter as follows: "We whose names are hereunto subscribed do promise to pay the president and managers of the Hatboro' and Hartsville turnpike road company the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to incorporate the president and managers of the Hatboro' and Hartsville turnpike road company.' Witness our hands the day of in the year of our Lord, one thousand eight hundred and forty-eight;" and thereupon shall give notice in two or more public papers, one of them printed in Montgomery county, and one in Bucks county, for twenty days at least, of the time and places, when and where the said books shall be opened to receive subscriptions for the stock of said company; at which time and place one of the said commissioners shall attend and permit, and suffer all persons of lawful age who shall offer to subscribe in said books in their own names, or in the names of any other person who shall duly authorize the same for any number of shares of stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of five days, or until the said books shall have two hundred shares therein subscribed; and if at the expiration of the said five days the books aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the books from place to place until the whole number of shares shall be subscribed; of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed: *Provided always,* That every person offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Commissioners.

Form of subscription.

Who may subscribe.

Letters patent.

Style.

Privileges.

SECTION 2. When ten persons or more shall have subscribed fifty shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the governor of this commonwealth, whereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The president and managers of the Hatboro' and Hartsville turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same by new subscription in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements and hereditaments, and estate real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organization.

SECTION 3. That the commissioners aforesaid, as soon as conveniently may be after the said letters shall be sealed and obtained, shall give notice by two or more public papers printed in the county of Montgomery and Bucks, of the time and place by them to be appointed, not less than fifteen days from the publication of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person, one president, seven managers and one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday of November next, and until such other officers shall be chosen; and shall and may make such by-laws, orders and regulations not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always*, That no person shall have more than twelve votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share held by him under that number: *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election shall have been fully paid and discharged.

Officers.

SECTION 4. The stockholders of the said company shall meet on the first Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner and form as shall be determined by their by-laws; at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of votes in manner as aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

SECTION 5. The said president and managers shall make out certificates of stock, signed by the president, and countersigned by the treasurer, and sealed with their corporate seal, and deliver one certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held the sum of one dollar; which certificate shall be transferable in person, or by attorney, on the books of said company, only subject to the sum due, or to become due, on his share or shares so transferred.

Certificates of stock.

Transferable.

SECTION 6. It shall be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground and quarries of stone and gravel and other materials that may be necessary in making and constructing the said road; it shall be made generally in, over and upon the bed of the present road, beginning at the termination of the Cheltenham and Willow Grove turnpike road, in Montgomery county, thence as nearly along the bed of the state road as may be practicable to Hartsville, in Bucks county.

Enter upon lands.

Location.

SECTION 7. The said president and managers shall have the privilege, and they are hereby authorized to alter or change the bed of said road, by first compromising with the owners of property through which such alteration may pass, or if the parties cannot agree, by paying such damages as shall be awarded by a jury appointed by the proper court.

May change bed of said road.

SECTION 8. The said president and managers, five of whom shall for that purpose be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree and contract with such engineers, superintendents, artists, laborers and other persons as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on their work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a majority of the managers, and attested by their secretary, and to do and transact all other acts, matters or things as by the by-laws, orders and regulations of the said company shall be entrusted to them.

President and managers.

Quorum.

Powers.

SECTION 9. If any stockholder, whether original subscriber or assignee, after twenty days' notice in not less than two newspapers, one printed in Montgomery county and one in Bucks county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed for the space of thirty days after the time appointed for the payment thereof, any such stockholder shall in addition to the instalment so called for, pay at the rate of five per centum per month, for every delay of such payment, and if the same and additional penalty shall become equal to the sum before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor, or in default of payment of any stockholders of such instalments as aforesaid, for the space of sixty days aforesaid, the president and managers may at their election cause suit to be brought in the same manner as debts of a like amount are now recoverable, for the recovery of the same, together with the penalties aforesaid.

Forfeiture of stock.

SECTION 10. It may be lawful for the said president and managers by and with their superintendents, engineers, artists, workmen, laborers,

Damages, how adjusted.

their tools and instruments, carts, wagons and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be equally chosen, or if either party upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county wherein the land lies, who shall not be interested therein, and upon the tender of the assessed value to dig and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road: *Provided*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for or adequate security given to the owners for the payment thereof.

Accounts.

SECTION 11. The said president and managers shall keep fair and just accounts as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers at a stated or special meeting convened according to the provisions of this act, or their own by laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares in like manner and under like penalties as are provided by this act in the case of the original subscriptions.

Bridges.

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary, and shall cause a road to be laid out not exceeding fifty feet in width, and cause at least eighteen feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an even surface, and so nearly level in its progress that it shall in no place raise or fall more than will form an angle of five degrees from a horizontal line: *Provided*, That if in the opinion of the said president and managers any part of the ground on the route of said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall forever maintain and keep the same in good repair.

Viewers.

SECTION 13. Whenever the said company shall have finished two miles or more of road, the president thereof may give notice to the governor, who shall appoint forthwith three skilfull, judicious and disinterested persons to view and examine the same, and report, on oath or affirmation to him, whether the said road is so far executed in a competent and workmanlike manner according to the true intent and meaning of this act; and if this report shall be in the affirmative, then the governor shall, by license under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and suffi-

License to take toll.

cient to collect from all persons, otherwise than on foot, the same tolls as hereinafter authorized and granted.

SECTION 14. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the toll and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coaches, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpike until they shall respectively have paid the same; that is to say, for every five ^{Rates of toll.} miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: for every score of hogs six cents; for every score of sheep six cents; for every score of cattle twelve cents; for every horse and his rider, or led horse, five cents; for every sulkey, chair or chaise, with one horse, eight cents, and with two horses ten cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, ten cents; for every coach, chariot, phaeton or chaise, with two horses and four wheels, fifteen cents; for either of the carriages last mentioned, with four horses, twenty-five cents; for every other carriage of pleasure under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with four horses, twenty cents; for every sleigh four cents for each horse drawing the same, and for every sled three cents for each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall be four inches and not exceeding seven inches, four cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, three cents for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of said company the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have traveled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence to the supervisor of the township in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

SECTION 15. If the said company shall neglect to keep the said road in good traveling order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repairs ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place in said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county; and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof,

Company to keep road in good order and repair.

is in such good traveling order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons; and if the said road shall be found, by the said inquisition, to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpike or gates between which such defective place shall be; and from thenceforth the tolls hereby granted to be collected at such turnpike or gates shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put in good repair and traveling order as aforesaid; and if the same shall not be so put in good traveling order and repair before the next general court of quarter sessions of the peace to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court; and the said judges shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of highways, for neglect of their duty; and if the persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed, shall be recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for evading payment of toll.

SECTION 16. If any person or persons whosoever owning, riding in or driving any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mule or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage way, or other ground near to or adjoining any turnpike or gate, erected or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off or cause to be taken off any horse, mare or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners offending, shall for every such offence, respectively forfeit and pay to the president and managers of the Haboro' and Harts-ville turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered.

Commencement and completion of road.

SECTION 17. If the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within six years afterwards complete the same according to the true intent and meaning of this act, then or in either of those cases all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to this commonwealth.

Reservation.

SECTION 18. That the legislature shall have the power to alter the rate of toll fixed by this act, and the managers of said company may

lessen the same, whenever they shall believe it necessary for the well being of the company, or the community at large.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 408.

AN ACT

To authorize the governor to incorporate the Jeffersonville and Phoenixville turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Hamill, John Rhoads, Peter G. Richards, William Bean, Samuel Swift, Samuel Markley, John Schrack, John Beard, Charles P. Shannon, Samuel Gumbe, William Casselberry, Jacob Kulp, John Shearer, Evan Waltz, Charles Cerson, Abraham Brower, Mahlon K. Ambler, Samuel Supplee, James A. Pennypacker, J. Maris Tyson, John Raser, William Davis, John Jacobs, Joseph Whitaker, Joseph S. Pennypacker, George D. Price, Benjamin Cox, junior, Charles Hamer, Samuel Horning, Joseph Whitaker, Elisha Bard, John Hallo-way, Abm. R. Cox, Benjamin Jacobs and Jesse Hamer, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned; that is to say, that they shall procure a book and therein enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers of the Jeffersonville and Phoenixville turnpike road company, the sum of twenty-five dollars for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the president and managers in pursuance of an act, entitled 'An Act to authorize the governor to incorporate the Jeffersonville and Phoenixville turnpike road company.' Witness our hands

Commissioners.

Anno Domini, eighteen hundred and forty-; and shall give at least twenty days' notice in two newspapers published at Norristown, and in one at Phoenixville, in Chester county, of the time and place when and where the said books shall be opened to receive subscriptions of stock of the said company, at which time and place three or more of said commissioners shall attend and receive subscriptions from all persons of lawful age, who in person or by attorney shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid at least six hours in each juridical day, for the space

Who may subscribe.

of three days, or until there shall have been one thousand shares subscribed therein; and the said commissioners may adjourn from time to time, and transfer the book from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as they may deem necessary: *Provided always*, That every person offering to subscribe in said book shall previously pay to the attending commissioners the sum of one dollar upon each share of stock to be subscribed, out of which shall be defrayed the incidental expenses necessary for taking such subscriptions, and the remainder shall be paid to the treasurer of the company, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Letters patent.

Style.

Privileges.

SECTION 2. When twenty or more persons shall have subscribed four hundred and fifty or more shares, the said commissioners, or a majority of them, shall certify under their hands and seals to the governor, the names of subscribers and the number of shares subscribed by each; and then it shall and may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and also, those who may afterwards subscribe, into one body politic and corporate in deed and in law, by the name, style and title of "The Jeffersonville and Phoenixville turnpike road company;" and by the same name the said subscribers and their assignees shall have perpetual succession, and the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work; and of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

Organization.

Officers.

Seal.

Votes.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent are obtained, shall give notice in two newspapers published in Norristown, and one in Phoenixville aforesaid, of a time and place by them to be appointed, not less than fifteen days from the time of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation, and choose by ballot, by a majority of the votes of the subscribers present in person, one president, ten managers, one treasurer, and such other officers as may be necessary, being stockholders, to conduct the business of said company, until the first Monday in May next thereafter, and until other officers are chosen; who shall and may make such by-laws, rules and regulations not inconsistent with the constitution and laws of the United States or this state, as shall be necessary for the well ordering the affairs of said company; they may make and have one common seal, and the same to alter or renew at their pleasure: *Provided*, That each stockholder having five shares of stock or under, shall have one vote; for each share over five shares of stock, and not exceeding ten shares, seven votes; over ten shares of stock, and not over twenty shares, nine votes; and over twenty shares of stock, shall have ten votes; but no stockholder shall be entitled to vote at any election or meeting of said company, unless all the instalments due on the shares of stock held by such stockholder shall be fully paid.

SECTION 4. The stockholders of the said company shall meet on the first Monday in May in every year, at such place as shall be fixed by the by-laws, for the purpose of choosing officers for the year ensuing in the manner aforesaid, and at such other times as they shall be notified by the managers; at which annual or special meetings they shall have full power to make, alter or repeal, by a majority of votes in manner aforesaid, all such by laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.

SECTION 5. The president and managers first to be chosen as aforesaid, shall procure certificates for all the shares of stock of the company, and shall deliver one such certificate signed by the president and treasurer, and sealed with the seal of the corporation, to each subscriber for the number of shares by him or her held; which certificates shall be transferable at the pleasure of the holder, in person or by attorney, in the presence of the president or treasurer, on the books of the company, subject, however, to all payments due or to become due thereon.

SECTION 6. If any stockholder, whether original subscriber or assignee, after twenty days' notice in two newspapers printed in Norristown, and one in Phoenixville, of the time and place appointed for the payment of any instalment or portion at the place appointed for the space of thirty days after the time appointed for such payment, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and in default of payment by any stockholder of such instalments and penalties, the president and managers shall cause suit to be brought, in the same manner as debts of a like amount are recoverable, for the recovery of the said instalments and penalties aforesaid.

SECTION 7. The said president and managers shall meet at such times and places as shall be fixed by the by laws, and when met, seven shall be a quorum, and in the absence of the president, the managers present may choose a president pro tem.; they shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose; and shall have full power and authority to appoint and agree or contract with such engineers, superintendents, artists, laborers and other persons as they may think necessary to make and construct said road, and to collect the tolls hereinafter authorized, and fix their compensation; to determine the time, manner and proportion in which the stockholders shall pay the amount of their respective shares; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a majority of the quorum of managers, and attested by the secretary; and to do and transact all other acts, matters or things as by this act and the by-laws of the company may be entrusted to them.

SECTION 8. The said road shall commence at the Ridge turnpike, at Jeffersonville, in Norriton township, Montgomery county, and thence by Shannonville and the New Perkiomen bridge, to the north end of the bridge over the river Schuylkill at Phoenixville aforesaid, by the best and most practicable route that can be had.

SECTION 9. The said road shall be laid out not exceeding fifty feet in width, of which twenty-five feet shall be opened and graded, and twenty feet wide in the middle of said twenty-five feet shall be a good and substantial turnpike road, to be composed of stone or gravel, to secure a firm and, as near as the materials will admit of, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of four degrees with a horizontal line; and the said company shall forever

maintain and keep the same in good and perfect order; and shall have authority to erect suitable bridges over all the streams of water crossing said road.

Damages, how
adjusted.

SECTION 10. In case the said president and managers and the owner or owners of land, tenement or enclosure through which the said road may be laid out, cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freeholders, to be chosen by the parties, or if they cannot agree, to be appointed by a justice of the peace, who, before entering on their duties, shall take an oath or affirmation to perform their duties with fidelity, and in determining the amount of damages, shall take into consideration the advantages of the road; and the amount of such damages or compensation so assessed shall be paid by said company, or adequate security therefor, to be approved of by the judges of the court of such county where the defendant resides, for the payment thereof in one year, shall be given, before the lands of such owner shall be taken or occupied by said company; and if either party shall be dissatisfied with the assessment of damages made as aforesaid, in any case, it shall be lawful for such party to appeal from the award, at the next court of common pleas, upon entering into security, and in such form as the court may direct; in which case, the owner of the land shall be plaintiff, and the said company defendant; the same thereon shall be proceeded in and tried in all respects as an appeal from an award of arbitrators; and the costs shall abide the event of the appeal, in the same manner as in an appeal from an award of arbitrators: *Provided*, That in case of an appeal by either party, security being given as aforesaid for the amount of compensation or damages assessed as aforesaid, it shall be lawful for the said president and managers, their superintendents, artists, laborers, with horses, carts, wagons, tools and implements, to enter upon all such lands so assessed and secured, to make, construct, grade and finish said road, and do all other matters necessary for carrying out the objects of this act, as freely and as uninterruptedly as if full compensation had been made for all such lands; and to cut or open such drains through the same as they shall judge necessary to drain the said road of any water thereon, with the same rights, and under the same penalties, as the supervisors of highways.

Accounts.

SECTION 11. The said president and managers shall keep fair and just accounts of all moneys received by them, and of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to the stockholders at a general meeting; and whenever it shall be ascertained that the capital stock of the company is not sufficient to complete the said road, according to the true intent and meaning this act, it shall be lawful for the president and managers at a stated or special meeting convened according to the provisions of this act and the by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares in like manner and under like penalties as are provided by this act in the case of original subscriptions.

Viewers.

SECTION 12. Whenever the said company shall have finished three miles of the said distance or the whole road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and to report on oath or affirmation to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the governor shall by license, under his hand

and the seal of the state, permit the said company to erect and fix so many gates upon and across the said road, as will be necessary and sufficient to collect and receive the tolls and duties hereinafter granted to said company, from all persons traveling on said road with horses, cattle, carts or carriages; and it shall be lawful for the said company to erect at each of their gates, a toll house or dwelling for the accommodation of the toll-gatherer at such gates: *Provided*, That no toll shall be demanded from any person or persons passing or re passing from one part of his, her or their farm to any other part of the same, and all persons with their vehicles or horses going directly to or from funerals or places of public worship, shall be exempt from the payment of tolls when traveling on the said road.

SECTION 13. When the said company is licensed in manner aforesaid, it shall be lawful for them to appoint such and so many toll-gatherers as they may think proper, to collect and receive of and from all and every person or persons using the said road, the toll and rates hereinafter mentioned, and to stop such person or persons at each gate until the same shall be paid, to wit: for every five miles of the said road three cents; for every horse and his rider or led horse, and for every five miles of said road eight cents; for every horse hauling a pleasure carriage or sleigh, for the carriage of persons and for every five miles of said road passed ten cents; for every horse attached to a vehicle of burden when laden, *when* empty six cents for each horse as above; for every head of horned cattle one cent for every five miles; and for every score of sheep or swine six cents for every five miles, and proportionally for greater or shorter distances, two oxen or one mule to be estimated as one horse; and if any person shall represent to the said company, or any of its officers or agents, that he or she has traveled a less distance than he or she actually has traveled along said road, with intent to defraud the company of any toll, such person shall for every such offence forfeit and pay to the use of the company the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom the toll is demanded shall have traveled along said turnpike road, or shall demand and receive from any person greater toll than is authorized by this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence to the supervisors of the township in which the forfeiture is incurred for the use of the same, to be expended in repairing the public roads, and for the payment of which the said company shall be responsible: *Provided*, That the said company may, in their discretion, reduce the tolls hereinbefore provided, or any of them, below what is herein allowed, and to raise the same again, not higher than is permitted by this act during such times and seasons, or at all times, and with such discrimination as they may deem most expedient.

Toll-gatherers.

Rates of toll.

SECTION 14. If the said company shall neglect to keep the said turnpike road in good order for the space of thirty days, a justice of the peace in said county of Montgomery may issue a precept, directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time at the place in said road which shall have been complained of; of which meeting notice shall be given to the nearest toll-gatherer, and the said justice shall at such time and place hold an inquisition; and if the said road shall be found by the said inquisition to be out of order, contrary to the true intent and meaning of this act, the said justice shall certify a copy of such inquisition, and send to said nearest toll-gatherer; and from the time of receipt of said copy,

Company to keep road in good order, &c.

no tolls shall be collected at said gate, until the said defective part or parts of said road shall be put in good order and repair as aforesaid.

Penalty for
frauds.

SECTION 15. If any person or persons whomsoever, shall practice any fraudulent means or device, with the intent that the payment of any toll or duty at said turnpike gate may be evaded or lessened, all and every such person or persons in any way or manner offending, shall for every such offence forfeit and pay to the said company any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner as debts of a like amount are by law sued for and recovered.

Relative to the
adjustment of
claims.

SECTION 16. In the adjustment of claims for damages for taking or using land or other property by the company, it shall be the duty of the persons appointed by virtue of this act, to take into consideration as well the advantages derived as the disadvantages sustained by making of said turnpike road.

Dividends.

SECTION 17. The president, managers and company shall, at the annual meeting in each and every year after the organization thereof, proceed to examine and ascertain the income of the company, and after deducting all costs and charges incurred by the same, may, if a majority of votes in the manner aforesaid are found to be in favor thereof, out of the net profits, if any there be, declare a dividend to and among the stockholders; notice of which, and of the time and place shall be given, and the same shall be paid accordingly.

Supervisors of
the several town-
ships through
which road
passes may sub-
scribe, &c.

SECTION 18. The supervisors of the highways of the townships through which said turnpike road may be located, shall subscribe for as many shares of stock in said turnpike road as the voters of the townships shall, at a special meeting or election held in said township for that purpose, order and authorize them, the same not being less than ten shares for every mile of said road located in said township, and a proportionate number for any greater or less distance; and in case any supervisor as aforesaid shall refuse or neglect to call such meeting or election for ten days after being requested so to do, giving not less than ten nor more than fifteen days' notice of said meeting or election, or after the same has been held, shall refuse or neglect to subscribe such stock as may have been authorized for ten days after said meeting or election, the said meeting or election may be called, or stock subscribed, by any citizen of said township upon three days' notice to such supervisor, that the same will be done on his default, and such subscription shall be binding on said township; and the said supervisors are hereby authorized and empowered to borrow money to pay the instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per cent. per annum, and payable at any time not exceeding ten years, which certificates shall be binding on said townships: *Provided*, That the townships shall not be called upon to subscribe until after the books shall have been kept open the three days mentioned in section first, and the said one thousand shares shall not have been subscribed therein: *And provided also*, That in case the subscription of ten shares per mile by said townships shall make over said one thousand shares, then there shall be subscribed only as much by said townships as will make up the said number of shares.

Commencement
and completion
of road.

SECTION 19. If the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within five years thereafter complete the same according to the true intent and meaning of this act, then or in either of these cases, the rights,

liberties, privileges and franchises hereby granted shall revert to this commonwealth.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 409.

AN ACT

To authorize the governor to incorporate a company for making an artificial road from the junction of the Monongahela and Coal Hill turnpike road, with the Coal Hill and Upper St. Clair turnpike road, to the borough of Birmingham, in the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Larrimer, junior, Michael O'Connor, Samuel M'Kee, Daniel Shawhen, Robert Duncan, James May, Christian Ihmsen, William Boggs, William Noble, Jeremiah Knox, Patrick Mulvany, Daniel Berg and George W. Dunlap, all of the county of Allegheny, are hereby appointed commissioners to do and perform the several things hereafter mentioned; that is to say, they shall, on or before the first Monday in April next, procure one or more books, and enter in each of them as follows: "We whose names are hereunto subscribed do promise to pay unto the president and managers of the Birmingham and Coal Hill turnpike road company, the sum of twenty-five dollars for each and every share of stock set opposite to our respective names, in such manner and proportion, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate a company for making an artificial road from the junction of Monongahela and Coal Hill turnpike road, with the Coal Hill and Upper St. Clair turnpike road, to the borough of Birmingham, in the county of Allegheny.' Witness our hands and seals the

day of _____ in the year of our Lord, one thousand eight hundred and _____; and shall therefore give notice in one or more of the public newspapers printed in the city of Pittsburgh, for twenty days at least, of the times and places, when and where the said books shall be opened to receive subscription for the stock of said company; at which respective times and places some one of the said commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in the said books in their own name, or in the name of any other person or persons who shall duly authorize the

Commissioners.

Form of subscription.

Notice.

Books to be opened.

same for any number of shares in the said stock; and the said books shall be kept open respectively for the purpose aforesaid at least four hours in every juridical day for the space of three days, or until said books so opened shall have two hundred shares therein subscribed; and if at the expiration of the said three days the books aforesaid, or either of them, shall not have the respective number of shares aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the said books from place to place until the whole number of shares shall be subscribed; of which adjournment and transfer the commissioners aforesaid shall give such public notice as occasion may require; and when the whole number of shares subscribed in all the said books shall amount to two thousand shares, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books in his or her own name, or in the name of any other person, shall previously pay to the attending commissioner the sum of one dollar for each and every share to be subscribed, of which shall be defrayed the expenses attending the taking of such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Number of
shares.

Proviso.

Letters patent.

Style.

Privileges.

Proviso.

SECTION 2. That when ten or more persons shall have subscribed fifty or more shares of the said stock, the commissioners shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the governor, and thereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, by the name, style and title of "The Birmingham and Coal Hill turnpike road company," in the county of Allegheny; and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing every other matter and thing which a corporation or body politic may lawfully do: *Provided always*, That if the company incorporated by this act shall at any time issue any note or notes in the nature of bank notes, or shall transact any business in the nature or manner of banking, then, and in either of these cases, their chartered privileges shall cease and revert to this commonwealth.

Organization.

Officers.

SECTION 3. That the commissioners, as soon as may be after said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in the city of Pittsburg, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of the votes of the said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president and six managers, one treasurer and such other officers as they think necessary to conduct the business of said company for one year, and until such other officers

be chosen ; and the said managers so chosen, and their successors shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said company ; and shall have power to lay out, construct and complete a turnpike road from the junction of the Coal Hill and Upper Saint Clair turnpike road with the Monongahela and Coal Hill turnpike road near F. Helle's tavern, in Lower Saint Clair township, by the shortest and best route to the borough of Birmingham, in the county of Allegheny ; and shall have like powers, authorities and privileges necessary for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures as are given and granted to the president, managers and company of the Pittsburgh and Greensburg turnpike road, by the several acts of this commonwealth.

Powers.

Location of road.

Authorities and restrictions.

SECTION 4. That the president and managers of said company shall have full power to demand and collect such tolls on the said road as they may deem expedient, not exceeding the following rates, to wit : for every horse, mare or gelding, whether rode, drove or led, in harness or out of harness, except those attached to pleasure carriages, at the rate of one cent per horse for the whole length of the road ; for those attached to pleasure carriages, two cents per horse ; for every score of hogs or swine, five cents ; for every score of sheep, five cents ; for every score of cattle, ten cents ; mules to pay the same toll as horses ; oxen, when attached to any vehicle of burthen, to pay the same as horses ; for any distance less than the whole road, tolls to be charged in proportion ; all wagons used for the transportation of stone coal, when the burthen exceeds forty bushels, to have wheels or tire of at least three and one-half inches, otherwise to be subject to fifty per cent. additional toll ; *Provided*, That if the said company shall not proceed to carry on the said work within one year after the passage of this act, or shall not within two years afterward complete the said road according to the true intent and meaning of this act, then in either of those cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises by this act granted to said company.

Tolls.

Proviso.

Reservation.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 410.

AN ACT

To incorporate the University of Northern Pennsylvania.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That there be and hereby is erected and established in the borough of Bethany, in the county of Wayne, in this commonwealth, a university, consisting of an academical and medical college, and other departments appropriate to a university; and that the name and constitution of the said university shall be and they are as follows:

ARTICLE I.

Style.

SECTION 1. The said institution shall be called and known by the name of "The University of Northern Pennsylvania."

ARTICLE II.

Trustees.

SECTION 1. The said university shall be under the management, direction, government and supervision of a number of trustees not exceeding twenty-eight, or a quorum of them, as hereinafter mentioned.

Quorum.

SECTION 2. Eleven of the trustees shall constitute a quorum.

ARTICLE III.

Present trustees.

*SECTION 1. The trustees of said university shall consist of the following person, to wit: William Jessup, N. B. Eldred, R. L. Seely, O. E. Shannon, E. O. Ward, Henry Curtis, Otis Avery, Willard Richardson, Edwin Graves, Thomas Sweet, Uriel Wright, William L. Appley, E. W. Hamblin, James Manning, John Sloan, Phineas Arnold, Paul S. Preston, Richard Lancaster, Armory Prescott, William R. Stone, R. F. Lord, Pope Bushnell, Earl Wheeler, Urbane Burrows, Walter S. Vail, David S. West, P. G. Goodrich, John M'Intosh; which said trustees and their successors, to be elected as herein subsequently mentioned, shall be forever hereafter, and they are hereby created, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the University of Northern Pennsylvania;" by which name and title said trustees and their successors shall be able and capable in law and equity to take to themselves and their successors, for the use of said university, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, money or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any persons whatsoever: *Provided*, That the annual net income accruing from said estate, and subject to a yearly appropriation or disposition by said trustees, shall not exceed the sum of five thousand dollars; and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey,*

Name.

Privileges.

assure, demise, and to farm, let and place out at interest, or otherwise dispose of, in such a manner as to them, or at least a quorum of them, shall seem most beneficial to said institution, and to reserve the rents, profits, issues, income and interest of the same to the proper use of said university; and by the same name to sue and be sued, implead and be impleaded in any courts of law or equity, and in all manner of suits whatever; and generally, by and in the same name, to do and transact all the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate, has power to manage the concerns belonging to such person or body; to hold, enjoy and exercise all such powers, authorities and jurisdictions as are customary in other universities or in colleges within this commonwealth.

SECTION 2. Said trustees shall cause to be made, for their use, one common seal, with such devices and inscriptions thereon as they shall think proper; and by and with it all deeds, diplomas, certificates and acts of said corporation shall pass and be authenticated; and said trustees may, at their pleasure, alter their seal, or break it, and substitute a new one. Seal.

SECTION 3. A quorum of said trustees shall meet at Bethany within ninety days from the date of this charter, to transact any business at Bethany, which the interest of the institution may require. Trustees to meet

SECTION 4. There shall be a meeting of said trustees held as often as once a year, in the borough of Bethany, at such particular time and place or places as said trustees, or a quorum of them, shall appoint, of which, after the first meeting, notice shall be given by written communications, signed by the chairman or secretary of the board, or published at least in one of the county papers, at least ten days before the time of such intended meeting; and if at such meeting less than a quorum shall be present, the number present shall have power to adjourn to some other day; but if a quorum of said trustees meet at the appointed time, or at any time of adjournment, then the majority of the votes of such quorum or board shall be capable of doing and transacting all the business and concerns of said university not otherwise provided for by this act, and particularly of enacting ordinances and by laws for the government and instructions of said university; of adding, within the limit prescribed by article two, section one, to the number of trustees whose names are inserted in this charter; of electing trustees in the place and stead of those who shall decline serving, resign or die, or whose places become vacant by any other cause; of electing or appointing the president, professors, tutors and other teachers of said university; of agreeing with them for their salaries and stipends; of removing them for misconduct, breaches of the ordinances of the institution, or other sufficient causes; of appointing committees of their own body to carry into effect all the resolutions of the board; of appointing a chairman, secretary, treasurer and other officers necessary for managing the concerns of the corporation; of providing for the maintenance and observance of discipline in said university; and of prescribing and inflicting the penalties due to all violations of the rules, ordinances or regulations thereof, or to other misconduct committed by students or other persons thereat; and generally, the majority of the voices of the board or quorum of said trustees, at any stated or extra meeting, shall determine all matters and things (although not herein specified) which shall occasionally arise, and be incidentally necessary to be determined by said trustees: *Provided*, That said laws, rules and ordinances, or any of them, be not repugnant to the laws and constitution of the United Annual meeting
of trustees.

Powers.
To make laws,
&c.

States of America, or of the laws and constitution of this commonwealth.

ARTICLE IV.

SECTION 1. The president, professors, tutors and other teachers, or a majority of them, for the time being, shall constitute the faculty of the university, and in their respective departments shall have the power of enforcing the rules and regulations adopted by the trustees for the government and instruction of the students; and the president and professors, with the counsel and consent of a quorum of the trustees or a majority of the trustees present, shall have the power to grant and confirm unto the students of the university, or unto others deemed worthy, such degrees, medical or academical, in the liberal arts and sciences, or in certain branches thereof, as have been usually granted in other universities; to grant, likewise, to said graduates, diplomas under the common seal of the corporation, in order to authenticate and perpetuate the memory of such graduation; and to grant also certificates to such students as have duly completed their course of studies prescribed in any subordinate department of the university.

Faculty, powers of.

Diplomas.

ARTICLE V.

SECTION 1. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from the said corporation: *Provided*, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate or interest was intended to pass to or from said corporation.

Misnomer.

SECTION 2. Any trustee who shall neglect or refuse to attend the meetings of the board for the space of two years, shall cease to belong to the board.

When trusteeship to cease.

SECTION 3. The legislature reserves the right to alter or annul this charter in case of any abuse of the privileges hereby granted.

Reservation.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 411.

A N A C T

To authorize the governor to incorporate the Waynesburg and Monongahela turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Kincaid, Joseph Dance, William Duvall, Samuel Sedgwick, Jacob Rhinehart, Levi H. Bell, Thomas P. Pollock, Samuel C. Howls- Commissioners.
worth, David Huss, Daniel Boner, John Phelan, Elijah Adams, A. G. Allison, R. H. Lindsey, Benjamin Campbell, John Bell, junior, Philip Minor, Jesse Hook, William Hiller, George Wise, Thomas Burson, William W. Sayers, Thomas Hughs, Mark Gordon, Abraham Burson, R. D. Mickle, George Murdock and Andrew Lantz, be and they are hereby appointed commissioners, to do and perform the duties herein-after mentioned; that is to say, they shall procure a book and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Waynesburg and Monongahela turnpike road company, the sum of twenty dollars for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the president and managers, in pursuance of an act, entitled "An Act to authorize the governor to incorporate the Waynesburg and Monongahela turnpike road company." Witness our hands
Anno Domini, one thousand eight hundred and forty-eight, and shall give at least twenty days' notice in two newspapers published in Greene county, and one in Fayette county, of the time and place when and where the said books shall be opened to receive subscriptions of stock of the said company, at which time and place three or more of said commissioners shall attend and receive subscriptions from all persons of lawful age, who in person or by attorney shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day for the space of three days, or until there shall have been two hundred shares subscribed therein; and the said commissioners may adjourn from time to time and transfer the book from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as they may deem necessary: *Pro-* Form of sub-
scriptions.
vided always. That every person offering to subscribe in said book, shall previously pay to the attending commissioners the sum of one dollar upon each share of stock to be subscribed, out of which shall be defrayed the incidental expenses necessary for taking such subscriptions, and the remainder shall be paid to the treasurer of the company as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

SECTION 2. When twenty or more persons shall have subscribed fifty or more shares, the said commissioners, or a majority of them, shall certify under their hands and seals to the governor, the names of subscribers and the number of shares subscribed by each, and then it shall and may be lawful for the governor by letters patent under his Proviso.
Letters patent.

Style.	hand and seal of the state, to create and erect the subscribers, and also those who may afterwards subscribe, into one body politic and corporate in deed and in law, by the name, style and title of "The Waynesburg and Monongahela turnpike road company," and by the same name the said subscribers and their assignees shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.
Privileges.	
Notice.	SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent are obtained, shall give notice in two newspapers published in Greene county, and one in Fayette county, of a time and place by them to be appointed, not less than fifteen days from the time of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and choose by ballot by a majority of the votes of the subscribers present in person,
Organization.	one president, ten managers, one treasurer and such other officers as may be necessary, being stockholders, to conduct the business of said company until the first Monday in May next thereafter, and until other officers are chosen, who shall and may make such by-laws, rules and regulations not inconsistent with the constitution and laws of the United States, or of this state, as shall be necessary for the well ordering the affairs of said company; they may make and have one common seal, and the same to alter or renew at their pleasure: <i>Provided</i>, That each stockholder having five shares of stock or under, shall have one vote for each share over five shares of stock, and not exceeding ten shares seven votes, over ten shares of stock and not over twenty shares nine votes, and over twenty shares of stock shall have ten votes; but no stockholder shall be entitled to vote at any election or meeting of said company, unless all the instalments due on the shares of stock held by such stockholder shall be fully paid.
Officers.	
Proviso.	SECTION 4. The stockholders of the said company shall meet on the first Monday in May in every year, at such place as shall be fixed by the by-laws, for the purpose of choosing officers for the year ensuing in the manner aforesaid, and at such other times as they shall be notified by the managers, at which annual or special meetings they shall have full power to make, alter or repeal by a majority of votes in manner aforesaid, all such by-laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.
Votes.	
Annual meeting of stockholders.	SECTION 5. The president and managers first to be chosen as aforesaid, shall procure certificates for all the shares of stock of the company, and shall deliver one such certificate signed by the president and treasurer, and sealed with the seal of the corporation to each subscriber for the number of shares by him or her held, which certificates shall be transferable at the pleasure of the holder in person or by attorney, in the presence of the president or treasurer on the books of the company; subject, however, to all payments due, or to become due thereon.
Certificates of stock.	SECTION 6. If any stockholder, whether original subscriber or assignee, after twenty days' notice in two newspapers printed in Greene
Transferable.	
Forfeiture of stock.	

county and one in Fayette county, of the time and place appointed for the payment of any instalment or portion of the capital stock, shall neglect or refuse to pay such instalment or portion at the place appointed, for the space of thirty days after the time appointed for such payment, every such stockholder shall in addition to the instalment so called for, pay at the rate of two per centum per month, for the delay of such payment, and in default of payment by any stockholder of such instalments and penalties, the president and managers shall cause suit to be brought in the same manner as debts of a like amount are recoverable, for the recovery of the said instalments and penalties aforesaid.

SECTION 7. The said president and managers shall meet at such times and places as shall be fixed by the by-laws, and when met, seven shall be a quorum; and in the absence of the president, the managers present may choose a president pro. tem.: they shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint and agree, or contract with such engineers, superintendents, artists, laborers and other persons as they may think necessary to make and construct said road, and to collect the tolls hereinafter authorized, and fix their compensation, to determine the time, manner and proportion in which the stockholders shall pay the amount of their respective shares, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a majority of the quorum of managers, and attested by the secretary, and to do and transact all other acts, matters or things, as by this act and the by-laws of the company may be entrusted to them.

President and
managers, meet-
ing of.
Quorum.
Duties.

SECTION 8. The said road shall commence at Waynesburg, in Greene county, and thence by Jefferson to the Monongahela river, in the county of Greene aforesaid, by the best and most practicable route that can be had.

Location of road.

SECTION 9. The said road shall be laid out not exceeding fifty feet in width, of which forty feet shall be opened and graded, and twenty feet wide: in the middle of said forty feet shall be a good and substantial turnpike road, to be composed of stone or gravel to secure a firm, and as near as the materials will admit of, an even surface rising towards the middle by a gradual arch, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said company shall forever after maintain and keep the same in good and perfect order, and shall have authority to erect suitable bridges over all the streams of water crossing said road.

Width of road.

SECTION 10. In case the said president and managers, and the owner or owners of land, tenement, or enclosure through which the said road may be laid out, cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freeholders to be chosen by the parties; or if they cannot agree, to be appointed by the commissioners of Greene county, who, before entering on their duties, shall take an oath or affirmation to perform their duties with fidelity; and in determining the amount of damages, shall take into consideration the advantages of the road; and the amount of such damages or compensation so assessed, shall be paid by said company, or adequate security therefor, to be approved of by the judges of the court of Greene county, for the payment thereof in one year, shall be given before the lands of such owner shall be taken or occupied by said company; and if either party shall be dissatisfied with the assessment of damages made as aforesaid in any case, it shall be lawful for such party to appeal from the award to the next court of common pleas upon entering into security, and in such form as the court may direct; in which case the owner of

Damages, how
adjusted.

Appeal.

Proviso.

the land shall be plaintiff, and the said company defendant; the same thereon shall be proceeded in and tried in all respects as an appeal from an award of arbitrators, and the costs shall abide the event of the appeal in the same manner as in an appeal from an award of arbitrators: *Provided*, That in case of an appeal by either party, security being given as aforesaid for the amount of compensation or damages assessed as aforesaid, it shall be lawful for the said president and managers, their superintendents, artists, laborers with horses, carts, wagons, tools and implements, to enter upon all such lands so assessed and secured, to make, construct, grade and finish said road, and do all other matters necessary for carrying out the objects of this act, as freely and as uninterruptedly as if full compensation had been made for all such lands.

Accounts.

SECTION 11. The said president and managers shall keep fair and just accounts of all moneys received by them, and of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to the stockholders at a general meeting, and whenever it shall be ascertained that the capital stock of the company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall be lawful for the president and managers at a stated or special meeting convened according to the provisions of this act and the by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act in the case of original subscriptions.

Viewers to be appointed when three miles of said road are finished.

SECTION 12. Whenever the said company shall have finished three miles of the said distance or the whole road, the president thereof may make report to the judges of the court of quarter sessions of Greene county, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and to report on oath or affirmation to the said court, whether the said road is so far executed in a competent and workmanlike manner according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the court aforesaid shall by license under the seal thereof, permit the said company to erect and fix so many gates upon and across the said *said* road, as will be necessary and sufficient to collect and receive the tolls and duties hereinafter granted to said company, from all persons traveling on said road with horses, cattle, carts or carriages; and it shall be lawful for the said company to erect at each of their gates a toll house or dwelling for the accommodation of the toll-gatherer at such gates: *Provided*, That no toll shall be demanded from any person or persons passing or re passing from one part of his, her or their farm to any other part of the same, and all persons with their vehicles or horses going directly to or from funerals or places of public worship shall be exempt from payment of tolls when traveling on the said road.

License to take toll.

Proviso.

License to take toll.

Proviso.

SECTION 13. When the said company is licensed in manner aforesaid, it shall be lawful for them to appoint such and so many toll-gatherers as they may think proper, to collect and receive of and from all and every person or persons using the said road, the toll and rates hereinafter mentioned, and to stop such person or persons at each gate until the same shall be paid, to wit: for every five miles of the said road six cents; for every horse and his rider or led horse and for every five miles of said road ten cents; for every horse hauling a pleasure carriage or sleigh, for the carriage of persons and for every five miles of the said road passed twelve cents; for every horse attached to a vehicle of burden when laden or when empty ten cents for each horse as above; and

for every head of horned cattle two cents for every five miles; and for every score of sheep or swine ten cents for every five miles, and proportionally for greater or shorter distances, two oxen or one mule to be estimated as one horse; and if any person shall represent to the said company, or any of its officers or agents, that he or she has traveled a less distance than he or she actually has traveled along said road, with intent to defraud the company of any toll, such person shall for every such offence forfeit and pay to the use of the company the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom the toll is demanded shall have traveled along said turnpike road, or shall demand and receive from any person greater toll than is authorized by this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence to the supervisors of the township in which the forfeiture is incurred for the use of the same, to be expended in repairing the public roads, and for the payment of which the said company shall be responsible: *Provided*, That the said company may in their discretion reduce the tolls hereinbefore provided, or any of them below what is herein allowed, and to raise the same again not higher than is permitted by this act during such times and seasons, or at all times and with such discrimination as they may deem most expedient.

Frauds, penalty for.

Proviso.

SECTION 14. If the said company shall neglect to keep the said turnpike road in good order for the space of thirty days, a justice of the peace in said county of Greene may issue a precept, directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time at the place in said road which shall have been complained of; of which meeting notice shall be given to the nearest toll-gatherer, and the said justice shall at such time and place hold an inquisition; and if the said road shall be found by the said inquisition to be out of order, contrary to the true intent and meaning of this act, the said justice shall certify a copy of such inquisition, and send to said nearest toll-gatherer; and from the time of receipt of said copy, no tolls shall be collected at said gate, until the said defective part or parts of said road shall be put in good order and repair as aforesaid.

Proceedings in case company neglect to keep their road in good order.

SECTION 15. If any person or persons whomsoever, shall practice any fraudulent means or device, with the intent that the payment of any toll or duty at said turnpike gate may be evaded or lessened, all and every such person or persons in any way or manner offending, shall for every such offence forfeit and pay to the said company any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner as debts of a like amount are by law sued for and recovered.

Penalty for evading payments of tolls, &c.

SECTION 16. In the adjustment of claims for damages for taking land or other property by the company, it shall be the duty of the persons appointed by virtue of this act, to take into consideration as well the advantages derived as the disadvantages sustained by making of said turnpike road.

Advantages, &c., to be taken into consideration when damages are assessed.

SECTION 17. The president, managers and company shall, at the annual meeting in each and every year after the organization thereof, proceed to examine and ascertain the income of the company, and after deducting all costs and charges incurred by the same, may, if a majority of votes in the manner aforesaid are found to be in favor thereof, out of the net profits, if any there be, declare a dividend to and among the stockholders; notice of which, and of the time and place shall be given, and the same shall be paid accordingly.

Dividends.

SECTION 18. It shall be the duty of the supervisors of the several townships through which the said turnpike shall be located, to give at

Duty of supervisors of the several

ral townships
through which
road passes.

least ten days' notice to the qualified voters thereof, by printed or written handbills, before the spring election for township officers, upon which it shall be lawful for the voters aforesaid, to vote a printed or written ticket, labelled "for subscription" or against subscription," as they may severally deem proper; and in case a majority of the persons voting as aforesaid, shall decide in favor of a subscription, the supervisors of the townships so deciding, shall subscribe for as many shares of stock in said turnpike road as they may deem proper, the same not being less than ten shares: *Provided*, That the townships shall not be called upon to subscribe until after the books shall have been kept open the three days mentioned in section first, and the said two hundred shares shall not have been subscribed therein.

Commencement
and completion
of road.

SECTION 19. If the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within ten years thereafter complete the same, according to the true intent and meaning of this act, then or in either of these cases the rights, liberties, privileges and franchises hereby granted shall revert to this commonwealth.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 412.

AN ACT

Authorizing the governor to incorporate the Pottstown and Boyerstown turnpike road company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That for the purpose of making a turnpike road from the borough of Pottstown, Montgomery county, by way of Boyerstown, to New Berlin, Berks county, John Bleim, Jacob Hatfield, Henry Swinehart, William S. Mock, John S. Weiler, Samuel Burden, Samuel Geiger, Jacob Keyser, Charles H. Clay, Jacob Weaver, Abraham Smith, Bernard Weand, John Hartraft, Jonas Smith, James Rittenhouse, Matthias Geist, Philip Boyer, Isaac Edelman, William Mintzer, Amos Reifsnnyder, Daniel H. Beecher, Nathaniel Missimer, Jacob Yost and Henry W. Cress, of Montgomery county; Aaron Maurer, William W. Weaver, John Rhoads, doctor Charles Keely, Daniel S. Daub, Daniel Boyer, John S. Bechtel, David Shall, Christopher K. Schurz, David Sassaman, William Stauffer, John Stauffer, John Schaeffer, Jacob Gottschall, Ja-

Job Merkel, Henry Gilbert, Isaac Johnston, Jacob Worstler, John Ritter, Daniel S. Shultz, doctor Samuel Young, Abraham B. Bechtel, John H. Funk, John Guldin, Jacob Guldin, Henry L. Eshbach, Henry Stauffer, Isaac Barto, John Landis, Andrew K. Schultz, Abraham A. Bechtel, Jeremiah Schultz, Henry A. Bechtel and Henry Boyer, of Berks county, be and they are hereby appointed commissioners to do and perform the duties herein mentioned; that is to say, they shall procure a book or books and therein enter as follows, viz: "We whose names who are hereunto subscribed, do promise to pay the president and managers of the Pottstown and Boyerstown turnpike road company the sum of fifty dollars for every share of stock by us subscribed, in such manner and proportion and at such times and places as shall be determined on by the said president and managers, in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Pottstown and Boyerstown turnpike road company.' Witness our hands day of

Subscription.

Anno Domini, one thousand eight hundred ,," and shall give at least thirty days' notice in one newspaper published in Montgomery county, and one in Berks county, of the time and place when and where the said books shall be opened to receive subscription of stock of the said company, at which time and place two or more of said commissioners shall attend and receive subscriptions from all persons of lawful age, who in person or by attorney shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day for the space of five days, or until the book shall have subscribed therein five hundred shares; and the said commissioners may adjourn from time to time and transfer the books from place to place until the whole number of shares shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as they may deem necessary: *Provided always*, That every person offering to subscribe in the said books in his name or in any other name, shall previously pay the sum of two dollars to the attending commissioners for every share to be subscribed, out of which shall be defrayed the expense attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter provided.

Notice.

Open books.

Number of shares

Proviso.

SECTION 2. That when twenty or more persons shall have subscribed one hundred or more shares of the said stock, the commissioners, or a majority of them, shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each to the governor; and thereupon it may and shall be lawful for the governor, by letters patent under his hand and seal of state, to create and erect the subscribers into one body politic and corporate in deed and in law, by the name, style and title of "The Pottstown and Boyerstown turnpike road company," and by the said name the subscribers and their assigns shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscription, and in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Style.

Privileges.

- Organization.** SECTION 3. That the commissioners aforesaid, as soon as conveniently may be after the letters patent are obtained, shall give notice in two newspapers, one in Montgomery and one in Berks county, of the time and place by them to be appointed, not less than two weeks' notice from the first publication, of which time and place the said subscribers shall proceed to organize the corporation, and choose, by ballot, by a majority of the votes of the subscribers present, in person or by proxy, duly authorized, one president, eight managers, and one treasurer, and such other officers as may be necessary to conduct the affairs of the company until the second Monday of January next, and until other officers shall be chosen; and shall and may make such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States or of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided*, That each stockholder shall be entitled to one vote for every share of stock by him or her held not exceeding five shares: *And provided also*, That no stockholder shall be entitled to vote at any election or meeting of said company, unless the instalments due and payable on the share or shares by him or her held at the time of such election or meeting shall have been fully paid and discharged.
- Proviso.** SECTION 4. If any treasurer elected by virtue of this act should die, resign or refuse to act, or shall neglect to give security for the faithful discharge of the duties of his office as the board of managers may direct and require, or given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being to appoint some suitable person treasurer, who shall hold the office until the next election by the stockholders, on his giving the security which may be required by the managers, and until a successor shall be duly elected and qualified.
- Vacancy in treasurer's office, how filled.** SECTION 5. The stockholders of the company shall meet on the second Monday in January in every year thereafter, at such place as shall be fixed by the by laws, for the purpose of choosing officers for the ensuing year, in the manner aforesaid, and at such other times as they shall be notified by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meeting they shall have full power to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.
- Annual meeting.** SECTION 6. The president and managers shall procure certificates to be written or printed, and upon payment of the instalments due thereon shall deliver one certificate signed by the president and countersigned by the treasurer, and attested by the seal of the corporation, to each stockholder for the number of shares held by him or her, which certificate shall be transferable at his, her or their pleasure, in person or by attorney duly authorized, in presence of the president or treasurer, on the book or books of the company; subject, however, to the payment of all instalments due and to become due thereon; and such transferee thenceforth shall be a member of the corporation.
- Certificates of stock.** SECTION 7. If any stockholder, whether original subscriber or assignee, after twenty days' notice in two newspapers published in said county, of the time and place appointed for the payment of any instalment or proportion of the said capital stock, shall neglect or refuse to pay such proportion at the place appointed, for the space of thirty days after the time required for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same
- Payments.**
- Penalty for neglect.**

and additional payments or penalties shall become equal to the sum before paid in part on account of such share or shares, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholder of such instalments, for the space of sixty days, the president and managers may, at their election, cause suit to be brought, in the same manner as debts of a like amount are recoverable, for the recovery of the same, together with the penalties aforesaid.

SECTION 8. It shall and may be lawful for the president and managers of said company to lay out the route of the said road, beginning at the north end of Hanover street, in the borough of Pottstown, Montgomery county; proceeding thence by the best route to Boyerstown, Berks county; and thence on the bed of the present road to New Berlin, in said county of Berks; and for this purpose it shall and may be lawful for the said president and managers, their superintendents, surveyors or engineers, artists, workmen and laborers, to enter in and upon the lands, tenements and enclosures through and over which the said intended road may pass or be laid out; to examine the ground and quarries of stone and gravel and other materials that may be necessary in constructing said road, and survey, ascertain, mark and fix the route of said road between the limits aforesaid, and to take and occupy for the bed of the said road, such public roads and bridges not being the property of any other company.

Location.

Enter upon
lands, &c.

SECTION 9. The said president and managers, their superintendents, engineers, artists and workmen, can lawfully cause a road to be laid out and opened, not less than thirty-three feet in width, nor more than fifty, unless the same would interfere with buildings or houses, and shall cause twenty feet thereof in breadth at least, to be made an artificial road, which shall be bedded with stone, gravel or other proper material well compacted together, of sufficient depth to secure a solid foundation for the same; and the said artificial road shall be faced with gravel or stone, pounded, or other small, hard substance, in such manner as to secure a firm and, as nearly as the nature of the country and the material will admit, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as to not rise nor fall more than four degrees from a horizontal line; and shall forever thereafter maintain and keep the same in perfect order and repair.

Width of road.

SECTION 10. In case the said president and managers, and the owner or owners of land, tenement or enclosure through which the said road may be laid out, cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freeholders to be chosen by the parties, or if they cannot agree, to be appointed by a justice of the peace, who, before entering on their duties, shall take an oath or affirmation to perform their duties with fidelity; and in determining the amount of damages, shall take into consideration the advantages of the road; and the amount of such damages or compensation so assessed, shall be paid by said company, or adequate security therefor, to be approved of by the judges of the court of such county where the defendant resides, for the payment thereof in one year, shall be given before the lands of such owner shall be taken or occupied by said company; and if either party shall be dissatisfied with the assessment of damages made as aforesaid, in any case it shall be lawful for such party to appeal from the award at the next court of common pleas, upon entering into security, and in such form as the court may direct, in which case the owner of the land shall be plaintiff, and the said company defendant; and the same thereon shall be proceeded in and tried in all respect as an appeal from an award of arbitrators, and the cost shall abide

Damages, how
adjusted.

the event of the appeal, in the same manner as in an appeal from the award of arbitrators: *Provided*, That in case of an appeal, either party, security being given as aforesaid, for the amount of compensation or damages assessed as aforesaid, it shall be lawful for the said president and managers, their superintendents, artists, laborers, with horses, carts, wagons, tools and implements, to enter upon all such lands so assessed and secured, to make, construct, grade and finish said road, and do all other matters necessary for carrying out the objects of this act, as freely and as uninterruptedly, as if full compensation had been made for all such lands.

SECTION 11. Whenever the said company shall have finished two miles or more of turnpike road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and to report, on oath or affirmation, to him, whether the road is so far executed in a workman-like manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and seal of the state, permit said company to erect such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons such tolls as are hereinafter authorized to be collected: *Provided*, That no toll shall be demanded from any person or persons passing or re-passing from one part of his or her farm to any other part of the same, and all persons, with their horses and vehicles, going directly to or from church, or to or from funerals, or riding in military procession.

SECTION 12. When the said road, or any part thereof, is completed from time to time, and approved as aforesaid, it shall and may be lawful for the company to appoint such and so many toll-gatherers as they shall think proper to collect and receive of, and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned; that is to say, for every mile of said road one cent for every horse with a rider or leader or carrying or hauling a burden; and for every mile of said road two cents for every horse hauling a pleasure carriage or sleigh for the carriage of persons; and for every mile of said road passed two cents for every horse of three or more horses attached to a vehicle of burden; for every head of horned cattle one cent for every five miles; for every sheep or swine one cent for every ten miles, and proportionally for shorter distances; and in cases of carriage drawn in whole or in part by oxen, two oxen shall be estimated as one horse; and for all fractional parts of toll, not equal in value to any denomination of coin in circulation, the said company may take and receive the next highest circulating denomination: *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the sums herein specified, and raise them again to the amount permitted by this act, during such times and seasons, and with such discrimination as the said company may think most expedient; and the toll-gatherers may stop any horse or vehicle, carriage, mule, oxen, cattle sheep or swine from passing through any toll-gate until the toll shall be paid.

SECTION 13. If any person or persons riding in or driving any carriage of burden or pleasure as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act; or if any person or persons shall, with the intent aforesaid, take off or cause to be taken off any horse or other beast or

Proviso.

Governor to appoint viewers.

License to take toll.

Proviso.

Toll-gatherers.

Rates of toll.

Proviso.

Penalty for evading payment of toll.

cattle of burden or draught from any carriage of burden or pleasure, or shall practice any other fraudulent means or device with the intent to evade the payment of any such toll or duty, every such person or persons shall, on conviction before any justice of the peace of the proper county, for every such offence, forfeit and pay to the president and managers of said company any sum not exceeding twenty dollars for the use of said company.

SECTION 14. If the said company shall neglect to keep the said road in good and perfect order and repair for the space of thirty days, and in-

Repair.

formation thereof shall be given to any justice of the peace of the said counties, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time in the said precept to be mentioned, at the place complained of in the said road, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justice shall, at such time and place, by the oath or affirmations of the said freeholders, inquire whether the said road, or any part thereof, is in good order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, he shall certify and send one copy of said inquisition to each of the keepers of the turnpikes or gates next to such defective place; and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected until the said defective part or parts of said road shall be put in good order and repair as aforesaid; and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance aforesaid, such keeper shall forfeit and pay, on conviction before any justice of the peace of said county, for the use of the person prosecuting for the same, the sum of five dollars; but if the same shall not be put in good order and repair before the next ensuing court of quarter sessions of said county, the said justice shall certify and send a copy of said inquisition to the judges of the said court; and the court shall thereupon direct a bill of indictment to be sent to the grand inquest against the president and managers of said company, and upon conviction, shall give such judgment as the said court in their discretion shall judge proper: *Provided*, That the fine in no instance shall be less than five dollars nor more than fifty dollars; and the fines to be imposed shall be recoverable in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place or township where such offence was committed, to be applied to repairing the highways in such township.

Proceedings in case road is out of repair.

Provided.

SECTION 15. If any toll-gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded shall have actually traveled along said turnpike road, or may actually travel between any turnpike gates thereon, or shall demand or receive a greater toll than he is authorized to receive by this act, such toll-gatherer shall, upon conviction thereof before any justice of the peace of said county, forfeit and pay the sum of ten dollars for every such offence, to the use of the directors of the poor of said county.

Penalty for taking excess of toll.

SECTION 16. The said company shall cause milestones to be placed on the side of the said turnpike road, beginning at the distance of one mile from the termination of the Perkiomen and Reading turnpike road aforesaid, on which milestones shall be marked in plain and legible characters, the respective number of miles which each stone is distant from the city of Philadelphia; and at every gate or turnpike by them

To erect mile stones.

erected on the said road, shall cause the distance, from the point of beginning to the point of termination, of the said Pottstown and Boyers-town turnpike road, to be marked in legible characters on the said gates, or some other conspicuous place near thereto; and shall also cause to be fixed at such place a printed list of the rates of toll which from time to time may be lawfully demanded, for the information of travelers and others using said road.

Penalty for injuring mile stones. SECTION 17. If any person or persons shall wilfully break, deface, pull down or prostrate any milestone which shall be placed in pursuance of this act on the side of said road or shall obliterate the letters or figures inscribed thereon, or shall destroy, deface or obliterate the letters or figures, or other characters marked thereon, or at any turnpike gate, he or they so offending, shall, on conviction before a justice of the peace of the said county, for every such offence, severally and respectively, pay to the said company ten dollars.

Traveling regulated. SECTION 18. The drivers of all wagons and carriages of all kinds, using said road, shall, except when overtaken, keep their horses on the right hand side of the said road in the passing direction, leaving the other side of said road free and clear for other carriages to pass and re pass; and if any wagoner or driver shall offend against this provision, he shall, on conviction, forfeit and pay any sum not exceeding fifteen dollars, to any person who will sue before any justice of the peace of the said county, to be recovered with costs of suit.

Time of bringing suit. SECTION 19. No suit shall be brought for any penalty incurred under this act, unless such suit shall be commenced within three months after the offence; and the defendant in such suit may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Accounts. SECTION 20. The president and managers of said company shall keep fair and just accounts of all moneys which may be received or paid by them, or expended in the prosecution of their said works, and shall at least once in every year submit such account to a general meeting of the stockholders.

Dividends. SECTION 21. As soon as the annual profits of the said road shall enable them to make a dividend, the president and managers shall, on the first Monday in March in each and every year, declare a dividend of the clear profits among the stockholders, and give notice of the time and place when and where the same will be paid; that it shall be lawful for the president and managers of said company, whenever it may be deemed advantageous to do so, to extend said road from New Berlin to Sarah Freichler's tavern, in the county of Berks, viz: proceeding on the bed of the old road leading from the said New Berlin to D. R. Sassaman's tavern, until within about ten rods of Jacob Guildin's lime-kiln; thence through said Guildin's farm, passing to the right of his dwelling house, and intersecting the road leading from said Sassaman's tavern, at or near the small bridge situated about sixteen perches southwest of Henry Sassaman's dwelling house; thence on the bed of the old road to Schultzville; and thence, if not too impracticable and disadvantageous, on the bed of the old road to the said Sarah Freichler's tavern; with the same restrictions, regulations and authority as is hereinbefore provided; and with power and authority to increase the capital stock of said company, in the manner provided for in the first section of this act, to an additional amount not exceeding thirty thousand dollars, in shares of fifty dollars each.

May increase capital stock.

Reservation.

SECTION 22. That the legislature hereby reserves the right to alter, revoke or annul the privileges and powers contained in this act, when-

ever it shall appear that they have been misused or abused by said company : *Provided*, That no injustice be done to the corporators.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 413.

AN ACT

To incorporate the Harrisburg gas company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same.* That William Ayres, John C. Bucher, David R. Porter, Jacob Seiler, Win. Catrell, D. W. Gross, David Fleming, George S. Kemble, Henry Buehler, Wells Coverly and William Colder of Dauphin county, and their associates and successors are hereby made and created a body politic and corporate in law, by the name of the Harrisburg gas company, for the purpose of manufacturing and introducing gas for light in and through the borough of Harrisburg, and for the transaction of such business as may be necessarily connected therewith, and may erect and construct such buildings, machinery and other works as may be required to carry on such branches of manufacture, and they shall have power to raise by subscription a capital stock of seventy-five thousand dollars, divided into three thousand shares of twenty-five dollars each.

SECTION 2. That the said corporation may purchase and hold such real estate in the county of Dauphin, or borough of Harrisburg, as may be required for the purposes of the said corporation, and may dispose of the same, and may sue and be sued in all courts of law and equity, may have and use a common seal, and may make such by laws for their regulations and government as they see proper: *Provided*, The same are not inconsistent with the constitution and laws of the United States or of this state.

SECTION 3. That the said corporation shall not go into operation until five thousand dollars of the capital shall be first paid in, in gold or silver coin or current bank notes.

SECTION 4. That the shares of the capital stock of the said corporation shall be deemed personal estate, and be transferable upon the books of the said corporation according to the provisions of its by-laws, and no part of the said capital stock shall at any time or upon any pretence whatever, be divided amongst the stockholders for divi-

Commissioners.

Style.

Powers.

Real estate.

Proviso.

When to go into effect.

Shares transferable.

Votes. dends, and no dividends shall be made or paid except from the actual profits; and the manner of voting shall be as follows: each stockholder having five shares or any number of shares less than five, shall be entitled to one vote, and every additional five shares shall entitle the holder thereof to one additional vote, to the extent of twenty-six votes, which shall be the highest number any one stockholder shall be entitled to vote: *Provided*, That no stockholder shall have a right to vote on any stock held by him or her, unless the same shall have been transferred on the books of the company for at least thirty days, previous to any election of managers.

Proviso.

When individual liability to take effect. **SECTION 5.** That no part of the said capital stock shall be withdrawn or refunded to the stockholders until all debts and liabilities of the said corporation shall have been paid; and in case of any violation of the provisions of this section, the president, directors and stockholders of the said corporation, or such of them as shall wilfully and actually violate the same, shall be personally liable in their own estates, jointly and severally, for all debts previously contracted and due by the said corporation.

Subscriptions. **SECTION 6.** That the persons named in this bill, or a majority of them, may open books and take subscriptions for the shares of the capital stock, and they are hereby authorized to subscribe therefor, themselves first giving notice in a newspaper published in the borough of Harrisburg, by at least two insertions for two successive weeks previously, of the time and place and object of the said meeting, and the stockholders at a meeting to be called in like manner, after the shares of the said capital stock shall have been taken as aforesaid, or at least one thousand shares thereof, may proceed to elect by a plurality of those present or legally represented, a president and five directors, of whom the president shall be one, and other officers and agents as may be deemed necessary for conducting the affairs of the said corporation.

Annual statement. **SECTION 7.** That in the month of November annually the directors shall submit to the stockholders a written statement, under oath or affirmation of one of them, of the amount of capital stock paid in, and the amount of all existing debts against the company; and no dividend shall be declared or paid to the stockholders when such payment would render the said corporation insolvent, or make its solvency doubtful; and the debts thereof shall at no time be suffered to exceed the one-half of the capital stock actually paid in; and in case of any violation of the provisions of this section, the president, directors and stockholders, or such of them as shall wilfully and actually violate the same, by wrongfully receiving dividends or otherwise, shall be personally liable in their own estates, jointly and severally, for all debts of the said corporation previously contracted and then unpaid.

Annual election. **SECTION 8.** That the officers of the said corporation elected at the first meeting of the stockholders to be called under the foregoing provisions, shall continue in office until the first Monday in November next ensuing, and until like officers shall have been chosen, and the stockholders of the said corporation shall meet on the said first Monday in November for such election as aforesaid, and thereafter on the first Monday in November in each and every year, at such place as shall be designated by the by-laws, and elect a president and five directors, and other officers or agents as the by-laws may direct to be so elected by a plurality of those present or legally represented, who shall continue in office for one year, and until others shall be duly chosen; the directors shall have the power in case of any vacancy in the office of president, or in the board of directors, to supply the same by election for the unexpired term of office of any such officers.

SECTION 9. That at the time of subscribing to the capital stock of the said corporation, the subscribers shall pay to those having charge of the subscription books, the sum of five dollars for each share subscribed by him, and the remainder of the said capital stock shall be paid in as and when the stockholders shall direct, under such forfeitures and penalties as they shall prescribe in case of any neglect to pay the instalments on the said shares at the prescribed times and place or places.

Amount to be paid on subscribing.

SECTION 10. That no part of the said capital stock or any of the funds of the said corporation, shall at any time during the continuance of this charter be used or employed, directly or indirectly in banking operations, or for any purpose whatever inconsistent with the provisions of this act.

Limitation of powers.

SECTION 11. That for the purpose of carrying out the object of this company the president and directors are hereby authorized and empowered by themselves, their agents, engineers, artizans and workmen, with their carts, wagons, tools and beast of burden or draught from time to time, and at all times hereafter, to enter upon all public roads or highways, and also to enter upon and occupy the streets, lanes and alleys and public grounds within the limits of the borough of Harrisburg as may be necessary, and to dig, ditch and lay pipes through the same, and the same to raise, alter and repair as often and at all times as the same may be required, doing as little damage to private or public property as possible, and making compensation to the owners thereof in manner hereinbefore prescribed: *Provided*, That in digging and laying pipes through the streets, lanes and alleys of the borough, the same shall be done with as little delay as possible, the ditches filled and streets leveled and repaired in the same order as before they were broken by this company: *Provided further*, That all laying of pipe and fixtures for the introduction of gas into the dwellings, or any other buildings, public or private, from the main in the street, must be done at the expense of the owners of the property: *And provided further*, That said pipe shall be laid under the direction of the borough council.

Power to enter upon lands.

Proviso.

Proviso.

SECTION 12. That the president and directors of this company are hereby authorized and empowered to borrow any sum of money in their corporate capacity, not exceeding ten thousand dollars, for the purpose of aiding them in the construction of their works, and to secure the payment of the same, shall execute a mortgage upon their works and real estate, in favor of such person or persons who may loan the same, which mortgage shall be executed, signed and delivered by the president of the company under the direction of the board, agreeably to the terms of the loan; and further, that the said company shall be authorized to transfer or pledge so much of their receipts for gas as they may think proper, to secure the payment of the yearly interest of any loan which they make, or for which they may have given a mortgage.

Authority to borrow money.

SECTION 13. That as soon as the Harrisburg gas company shall have completed their works and are ready to dispose of gas, the governor of this commonwealth, together with the secretary of the commonwealth, auditor general, surveyor general and state treasurer are hereby authorized and directed to have all the necessary pipes and fixtures from the main pipe laid by the company, for the introduction of gas lights in and throughout the several offices, including the executive chamber, and also in every room and department of the capitol where light may be required, with a sufficient number of burners, and to cause to be placed in the halls of the senate and house of representatives, chandeliers or other fixtures of such descriptions as are suitable to the place, and of such size and number of burners as to light the halls in a proper man-

Sale of gas regulated.

ner, together with such other burners as may be required around the halls and throughout the capitol and other departments of state to light the same, and they shall cause to be placed metal lamp posts to be lighted by gas, one in front of the auditor general and state treasurer's office, one at the front door leading to the executive chamber, one in front of the land department, three in front of the capitol and two in the rear, together with a sufficient number along the walks through the public grounds towards Third and Walnut streets, in the borough of Harrisburg.

Governor to contract for supply of gas for public use.
Proviso. SECTION 14. That the governor is hereby authorized and directed to contract with the Harrisburg gas company, for a sufficient supply of gas to light all the burners which may be placed by the commonwealth throughout the public walks and public buildings, with their several departments, including the halls of the senate and house of representatives: *Provided*, The price of the same shall not exceed two dollars and fifty cents per thousand cubic feet: *And provided further*, That such contracts shall not be for a longer period than five years at any one time.

Reservation. SECTION 15. The legislature hereby reserve the right at any time to alter or repeal this charter: *Provided*, That no injustice shall be done to the corporators.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The twenty eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 414.

AN ACT

To authorize the governor to incorporate the Tioga and Elmira plank road company.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That William B. Clymer, R. G. White, Alvah C. Bush, John W. Guernsey, Thomas L. Baldwin, Benjamin C. Wickham, Richard Mitchell, Vine De Puy and Samuel Miller, or any five of them be and they are authorized to do and perform the several things required by this act; the said commissioners or any five of them shall, on or before the first day of July next, procure a sufficient number of books to be opened at such times and places as they shall deem necessary, in each of which they shall enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and directors of the Tioga and El

Form of subscription.

Proviso.

road, and the conveyance of passengers, and the transportation of the mail, and of goods and merchandize and commodities thereon: *And provided further*, That nothing herein contained shall be so construed as to prevent the said corporation from holding such real estate along the line of said road, as may be given or conveyed by the owners thereof to the company in aid of the projected improvement, and the same to sell and convey, at their discretion, in fee simple or otherwise.

SECTION 3. That the said named persons, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days' notice in the newspapers hereinafore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, to choose by a majority of votes of the subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained, and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president, six directors, a majority of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and directors shall conduct the business of said company until the second Saturday in January then next ensuing, and until like officers shall be chosen, and make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of said company: *Provided*, That no person but a stockholder shall be eligible to the office of president or director.

SECTION 4. That the stockholders shall meet on the second Saturday of January in every year, at such places as may be fixed upon by the by-laws; of which notice shall be given at least twenty days previous by the secretary in the newspapers before mentioned, and choose by a majority of the votes present officers for the ensuing year, and until others are chosen, and at such other time as they may be summoned by the president and directors, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting they shall have full power and authority to make, alter or repeal by a majority of the votes in the manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act, and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold in the proportion following: for every share not exceeding two shares, one vote; for every two shares and not exceeding ten shares, one vote; and for every three shares above ten, one vote; but no share shall confer the right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it absolutely appears, and bona fide in his own right, or in the right of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no share held by transfer shall be entitled to a vote unless the same shall have been transferred at least three months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies:" *And provided also*, That no share shall be entitled to a vote at any election, or at any general or special meeting of said company, on which any in-

stalment or arrearages may have been due and payable more than thirty days previously to said election or meeting.

SECTION 5. That the election of officers provided for in the third section of this act shall be conducted in the following manner; that is to say, the directors for the time being shall appoint two of the stockholders not being directors to be judges of the said election, and to conduct the same after having severally taken and subscribed an oath or affirmation before a justice of the peace, well and truly and according to law, to conduct said election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters, and when the election is closed, shall count the votes and declare who has been elected; and if it shall at any time happen that an election of president, directors, treasurer, secretary or other officer shall not be made, the corporation shall not for that cause be dissolved; but it shall be lawful to hold and make such election of president, directors, treasurer, secretary or other officers on any day thereafter, by giving at least ten days' notice, signed by the president or secretary in the newspapers before mentioned of the time and place of holding said election; and the president, directors, treasurer, secretary and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their stations until an election shall take place: in the case of death or resignation of the president, directors, treasurer, secretary or other officer, his place may be filled by the board of directors until the next annual meeting.

Elections, how to be conducted.

Vacancies, how supplied.

SECTION 6. That the said president and directors shall meet at such times and places as shall be found most convenient for the transaction of business, and when met five shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book kept for that purpose; and a quorum being formed, they shall be empowered and have authority to appoint all such surveyors, engineers, superintendents and others artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for moneys which shall be signed by the president, or in his absence, by the president pro. tem. for the time being, and countersigned by the secretary; and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are hereby authorized to do.

Quorum.

Duties of board.

SECTION 7. That the president and directors first chosen shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one or more certificates, signed by the president and countersigned by the secretary, and sealed with the common seal of the said corporation, to each person for the number of shares by him or her subscribed or held; which certificates or evidence of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or secretary, one of whom shall keep a book for that purpose, subject, however, to all payment due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and be subject to all penalties, forfeitures, and to

Certificates of stock.

Transferable.

be sued for the balances and penalties due or to become due on each share, as the original subscriber would have been.

Proceedings
against delin-
quent stockhold-
ers.

SECTION 8. That if after thirty days' notice in the public papers as aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such a space of time, as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for said price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may, at their election, cause suit to be brought before any alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid, and costs of suit.

To demand from
officers a bond
with sureties.

SECTION 9. That the president and directors of the said company shall demand and require of and from the treasurer, and may demand and require of and from all and every other the officers and other persons by them employed, bonds in sufficient penalties, and such sureties as the said company shall, by their rules, orders and regulations, require for the faithful discharge of the several duties and trust to them respectively committed.

Dividends.

SECTION 10. That the dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; if the said directors shall make any dividends which shall impair the capital stock of said company, the directors consenting thereto shall be liable, in their individual capacities, to the creditors of the said company for the amount of the stock so divided, and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring such dividend.

Power to locate
road.

SECTION 11. That the president and directors of the said plank road company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a plank road from Wellsboro', in the county of Tioga, on the most practicable ground down the valley of Crooked creek to the village of Tioga; from thence by the most direct practicable route to the state line between Pennsylvania and New York, on or near Seely's creek, to intersect the plank road that runs down the valley of Seely's creek to Elmira, in Chemung county, state of New York: *Provided*, That the said plank road shall not, except in deep cuts and fillings, or at points selected for depots, exceed fifty feet in width, and that it shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner thereof: *And provided further*, That the track of said road shall be constructed of timber and plank, the surface thereof shall be smooth and even, and of such width as the president and directors may direct.

Proviso.

Proviso.

SECTION 12. That the said president and directors shall have power and authority by themselves, or their superintendents, engineers, artists and workmen to enter in and upon and occupy all land on which the said plank road, or its depots and warehouses may be located, or which may be necessary for the erection of weights and scales, or any other purpose necessary or useful in the construction and repairs of said plank road, and therein to dig, embank, make and construct the same: *Provided*, That the said company shall first make compensation to the owner or owners of ground and materials and property so taken and occupied as aforesaid, or give adequate security therefor; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint three suitable, judicious and disinterested persons of the county of Tioga, who shall be under oath or affirmation, and if they cannot agree upon such persons, then either of the parties after giving twenty days' notice to the other may apply to the court of common pleas of Tioga county, and the said court shall appoint three judicious, disinterested men of the said county, in order to ascertain and report to the said court what damages, if any, have been sustained by the owner or owners of the said ground by reason of the construction of said plank road through the same, which said appraisers being duly sworn or affirmed and having viewed the premises, shall proceed to estimate the quantity and quality of land occupied by said plank road, and all other inconveniences which may be likely to result therefrom to the said lands, and in view of these considerations and a just regard to the advantages may seem likely to result to the owner or owners of the said land from the opening of the said plank road through the same, to make their assessment and report to the court, which report being confirmed by the said court, judgment shall be entered thereon and execution may issue in the case of non-payment for the sum awarded, and the costs and expenses incurred by the said appraisers shall be defrayed by said plank road company: *Provided*, That either party may appeal to the court within thirty days' after such report may have been filed in the prothonotary's office of the said county of Tioga, in the same manner as appeals are allowed in other cases: *Provided however*, That in all cases where an appeal is taken by either party, the company may immediately upon such appeal being taken as aforesaid, enter upon, occupy, take and carry away any ground, material or property necessary for the use and construction of the aforesaid plank road: *And provided also*, That if any person or persons owning land or any other property which shall be affected by this act, be feme coverts, under age, or non compos mentis, or out of the state, then and in either of those cases the president and directors of the company, and at the costs and charges of said corporation, shall within one year after the construction of the plank road through said land, represent the same to the court of common pleas of the aforesaid county, who shall proceed thereon in the same manner and to the same effect as is directed by this act in other cases.

Enter upon lands.

Provide.

Proceeding for the assessment of damages.

Provide.

Provide.

Provide.

Power to enter upon lands for materials.

SECTION 13. That the president and directors by and with their superintendents, engineers, artist, workmen and laborers, with their tools, instruments, carts, wagons and other carriages and beasts of draught and burden, may enter upon the land contiguous and near the plank road, first giving notice to the owners or occupiers thereof, from thence to take and carry away timber, stone or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof and making amends for any damages thereon done, the amount whereof, if the parties do not agree, shall be assessed as hereinbefore mentioned in this act.

- SECTION 14.** That the company shall not prevent any person or persons being the owner or owners of land bordering on the said plank road, or in the vicinity thereof or adjacent thereto, from making such lateral plank roads and connecting them with the said plank road from their said lands, as the said person or persons may wish, for the purpose of transporting coal, lumber or produce on said plank road: *Provided*, That all such connections of lateral roads are to be made at the expense of the person so wishing to connect, and according to the direction and approval of the engineers or directors of said plank road company, so as not to obstruct or endanger the free travel on the main road: *Provided also*, That any person or persons owning such coal, lumber or produce, shall have the privilege of transporting the same on said plank road, in their cars or other vehicles, subject to the rules and regulations of said company.
- SECTION 15.** That the said plank road shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads which may cross or enter the same, and in all cases where the said plank road may cross or in any manner interfere with an existing public road, canal or slack-water navigation, the said company shall make or cause to be made as soon as conveniently may be, a good and sufficient causeway or causeways to enable all persons passing or traveling such public roads, and if the company shall neglect or refuse to keep such causeways in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors of the township with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.
- SECTION 16.** That for the accommodation of all persons owning or possessing lands through which the said plank road may pass, it shall be the duty of said company to make or cause to be made a good and sufficient causeway or causeways wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same, with wagons, carts and implements of husbandry, as occasion may require; and the said causeway or causeways when made, shall be maintained and kept in good repair by said company; and if the said company shall neglect or refuse, on request, to make such causeway or causeways, or when made, to keep them in good order, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person, in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof: *Provided*, That the said company shall in no case be required to make or cause to be made more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said plank road may pass, and where any public road may or shall cross said plank road shall pass, shall not be entitled to require the company to erect or keep in repair any causeway or bridge for the accommodation of the occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road laid out subsequent to the passage of this act, then, and in such case, the company shall be forever thereafter exonerated from the duty of keeping said bridge or causeway in good repair.
- SECTION 17.** That no suit nor action shall be prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the

offence committed or the cause of action accrued, and the defendants in any such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 18. That in all suits or actions brought against said company, the service of process on any director, toll gatherer or other officer of the company, shall be good and available in law as if made on the president thereof.

SECTION 19. Any person who shall wilfully injure, break or throw down any gate which shall have been erected on said road, pursuant to the provisions of this act, or dig up or wilfully injure or spoil any part of such road, or any thing thereunto belonging, or shall drag along or across such road any log, timber, wood or stone so that the same shall come in contact with the even surface of said road, or forcibly or fraudulently pass any such gate without the payment of the legal toll, or shall with his team, carriage, sleigh, sled or other vehicle or animal, turn out of said road and pass any gate thereon on ground adjacent thereto, and again enter on such road, he shall for every such offence forfeit to the corporation hereby created the sum of ten dollars, in addition the damages from his wrongful act, which penalty may be recovered by the said corporation in an action of debt, in any court having cognizance thereof, and a separate suit for such damages may in like manner be prosecuted and maintained by such corporation.

SECTION 20. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions or *plan* designedly and with evil intent, any obstruction on the line of said plank road, so as to endanger or jeopard the lives of persons traveling on the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be adjudged on conviction to be imprisoned in the Eastern penitentiary of Pennsylvania for a term of not more than two years: *Provided*, That nothing herein contained shall prevent the company from pursuing any appropriate remedy at law in such cases.

SECTION 21. Whenever any five continuous miles of said road shall be completed, it shall be lawful for said corporation to erect a toll gate thereon, and appoint a toll collector for the same, and to do the same as often as any additional continuous five miles of said road shall be completed: at each of said gates, when erected in pursuance of this act, the said corporation and toll collector thereof may demand and receive the following tolls, to wit: for every carriage, sleigh, sled or other vehicle of any description, drawn by one horse or other animal, fifteen cents, and drawn by two animals, twenty-five cents; for every additional animal five cents; for every horse and rider five cents; for every horse without a rider, every mule or head of neat cattle not attached to a vehicle, every half score of sheep or swine five cents; and in the same proportion or rate of tolls for the remainder of said road over five continuous miles: the collector of tolls at each of said gates may detain and prevent from passing such gates any animal, team, carriage or other vehicle subject to toll, until the toll thereon shall be paid.

SECTION 22. That at each annual meeting of the stockholders, the president and directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the president and directors, or by the president at the request of the stockholders holding one-fourth of the amount of the capital stock, of like notice as that required for annual meetings, specifying, moreover, the object of the meeting; but no business shall be transacted at such meetings except that for which it shall have been called, nor

Service of process.

Penalty for wilful injuries.

Penalty for causing malicious obstructions.

Proviso.

When toll gates may be erected.

Tolls.

Annual statement of affairs.

unless a majority in value of the stockholders shall attend in person or by proxy.

Commencement
and completion
of road.

SECTION 23. That if the president, directors and company shall not proceed to carry on the said work within one year from the passage of this act, and shall not complete the same within three years as aforesaid, according to the true intent and meaning of this act, or if after the completion of the said road the said company shall suffer the same to go to decay and be impassable for the term of three years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages.

Increase of capital
stock.

SECTION 24. That if any increase of the capital stock shall be deemed necessary by the stockholders to improve or complete the said road, it may be lawful for the said president, directors and company, at a stated or special meeting convened for the purpose, to increase the number of shares so that the capital of the said company shall not exceed the sum of one hundred thousand dollars, and to receive and demand any moneys for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Abstract of accounts to be furnished the legislature.

SECTION 25. That at the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the *amount* of the company showing the amount of capital paid in and the debts of said company, the amount received for toll and transportation, and that charged, and the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company.

Reservation.

SECTION 26. That if the said corporation shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation; in such manner, however, as not to do injustice to the corporators.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 415.

AN ACT

To incorporate the president, managers and company of the Norristown and King of Prussia turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Elliott, Cadwallader Evans, Francis Lyle, Andrew Shainline, Henry Freedly, Aaron Lukens, James Wells, David Adams, William L. Twining, Charles H. Rogers and William B. Roberts, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall on or before the first day of July next, procure two books and in each of them enter as follows. •• We whose names are hereunto subscribed, do promise to pay the president and managers of the Norristown and King of Prussia turnpike road company, the sum of ten dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled ••An Act to incorporate the president and managers and company of the Norristown and King of Prussia turnpike road company.’ Witness our hands the day of in the year of our Lord, one thousand eight hundred and forty- ;” and thereupon shall give notice in two public papers printed in Montgomery county, and one in the county of Chester, for twenty days at least, of the time and places when and where the said books shall be open to receive subscriptions for the stock of said company, at which time and places one of said commissioners shall attend and permit and suffer all persons of lawful age who shall offer to subscribe in said books in their own names or the name or names of any other persons who shall duly authorize the same, for any number of shares of said stock; and the books shall be kept open respectively, for the purposes aforesaid, at least six hours in every juridical day for the space of five days, or until said books shall have three hundred shares therein subscribed; and if at the expiration of the said five days, the books aforesaid shall not have said number of three hundred shares therein subscribed, the commissioners, respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners shall give such public notice as the occasion may require, and when the whole number of shares subscribed shall amount to three hundred the same shall be closed: *Provided always, That every person offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.*

Commissioners.

Form of subscriptions.

Notice.

Open books.

Number of shares.

Proviso.

Letters patent. SECTION 2. When five or more persons shall have subscribed one hundred shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall have been subscribed, they shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each to the governor of this commonwealth; whereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of the Norristown and King of Prussia turnpike road company;" and by said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements and hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organization. SECTION 3. That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in two public papers printed in the county of Montgomery, and one in the county of Chester, of a time and place by them to be appointed, not less than fifteen days from the publication of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, to be delivered in person, one president, seven managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday of January next, and until such other officers be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering of the affairs of said company: *Provided always*, That no person shall have more than twelve votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number: *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or or shares by him or her held at the time of such election shall have been fully paid and discharged.

Annual meeting. SECTION 4. The stockholders of said company shall meet on the first Monday in January in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner and form as shall be determined by their by-laws; at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes in manner as aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

Certificates of stock. SECTION 5. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer,

and sealed with their corporate seal, and deliver one certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held, the sum of one dollar; which certificate shall be transferable in person or by attorney. Transferable. on the books of said company, only subject to the sum due or to become due on his share or shares so transferred.

SECTION 6. It shall be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said turnpike road may be thought proper to pass; and for that purpose to examine the ground and quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road: it shall be made generally in, over and upon the bed of the present road, beginning at the canal bridge at Bridgeport, in Upper Merriam township, Montgomery county, called the state road, and extending along the said road to the junction of the Eagle road with the state road, in the village of the King of Prussia, in the township and county aforesaid. Enter upon lands.

SECTION 7. The said president and managers shall have the privilege, and they are hereby authorized to alter or change the bed of said road, by first compromising with the owners of property through which such alteration may pass, or if the parties cannot agree, by paying such damages as shall be awarded by a jury appointed by the court of quarter sessions of the peace in and for the county of Montgomery. May change bed of said road.

SECTION 8. The said president and managers, five of whom shall for that purpose be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on their work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a majority of the managers, and attested by their secretary, and to do and transact all other acts, matters or things as by the by-laws, orders and regulations of the said company shall be entrusted to them. Powers.

SECTION 9. If any stockholder, whether original subscriber or assignee, after twenty days' notice in two newspapers printed in the county of Montgomery, and one in the county of Chester, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed for the space of thirty days after the time appointed for the payment thereof, any such stockholder shall in addition to the instalment so called for, pay at the rate of two per centum per month, for every delay of such payment, and if the same and additional penalty shall become equal to the sum before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor, or in default of payment of any stockholders of such instalments as aforesaid, for the space of sixty days aforesaid, the president and managers may at their election cause suit to be brought in the same manner as debts of a like amount are now recoverable, for the recovery of the same, together with the penalties aforesaid. Payments.

SECTION 10. It may be lawful for the said president and the managers by and with their superintendents, engineers, artists, workmen, laborers, Penalty for neglect. May enter upon lands, &c.

Damages, how
adjusted.

their tools and instruments, carts, wagons and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties, and if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be equally chosen; or if either party upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county wherein the land lies, who shall not be interested therein, and upon the tender of the assessed value, to dig and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road: *Provided*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for, or adequate security given to the owners for the payment thereof.

Proviso.

Accounts.

SECTION 11. The said president and managers shall keep fair and just accounts as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers at a stated or special meeting convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares in like manner and under like penalties as are provided by this act in the case of the original subscriptions.

May erect bridges

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary, and shall cause a road to be laid out not exceeding forty feet in width, and shall cause at least twenty feet of said width to be made an artificial road of wood, stone, gravel or other hard substance well compacted together, and of sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other hard small substance, in such manner as will admit an even surface, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees from a horizontal line: *Provided*, That if in the opinion of the said president and managers any part of the ground on the route of said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall forever thereafter maintain and keep the same in good repair.

Proviso.

Governor to ap-
point viewers.

SECTION 13. Whenever the said company shall have finished one and a-half miles or more of road, the president thereof may give notice to the governor, who shall appoint forthwith three skillful, judicious and disinterested persons to view and examine the same, and report, on oath or affirmation to him, whether the said road is so far executed in a competent and workmanlike manner according to the true intent and meaning of this act; and if this report shall be in the affirmative, then the governor shall, by license under his hand and the seal of state, permit and suffer said company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and suffi-

License to take
toll.

cient to collect from all persons, otherwise than on foot, the same tolls as hereafter authorized and granted.

SECTION 14. When the said company shall have been licensed in manner aforesaid, it shall and may be lawful for them to appoint such Toll-gatherers.

and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the toll and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coaches, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burden or pleasure from passing through the said turnpike, until they shall respectively have paid the same; that is to say, for every three miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser or greater number of sheep, hogs or cattle, to wit: for every Rates of toll.

score of hogs four cents; for every score of sheep four cents; for every score of cattle eight cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, five cents, and with two horses six cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, six cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, nine cents; for either of the carriages last mentioned, with four horses, eighteen cents; for every other carriage of pleasure under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses, eight cents; and for every such wagon with four horses, twelve and a half cents; for every sleigh three cents for each horse drawing the same; and for every sled two cents for each horse drawing the same; for every cart or wagon, whose wheels shall not exceed four inches in breadth, four and a half cents for each horse drawing the same; and for every cart or wagon, whose wheels shall be four inches, and not exceeding seven inches, three cents for each horse drawing the same; and for every cart or wagon, the breadth of whose wheels shall be more than seven inches, three cents for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of said company the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have traveled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence to the supervisors of the township in which the said forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

Frauds, penalty for.

SECTION 15. If the said company shall neglect to keep the said road in good traveling order and repair for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where repair ought to be made, such

Repair.

justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place in said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county; and the

Proceedings in case company neglect to keep their road in good order.

said justice shall, at such time and place, on the oaths or affirmation of the said persons, inquire whether the said road, or any part thereof, is in such good traveling order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons; and if the said road shall be found, by the said inquisition, to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be; and from thenceforth tolls hereby granted to be collected at such turnpike or gates shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put in good repair and traveling order as aforesaid; and if the same shall not be put into good traveling order and repair before the next general court of quarter sessions of the peace to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court; and the said judges shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of highways, for neglect of their duty; and if the persons so entrusted by the said company shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, the fines and penalties so to be imposed, shall be recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to the repairing of the public roads within such township.

Penalty for evading payments of tolls, &c.

SECTION 16. If any person or persons whosoever owning, riding in or driving any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mule or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gate or bars, or along or over any passage way, or other ground near to or adjoining any turnpike or gate, erected or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off or cause to be taken off any horse, mare or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manner offending, shall for every such offence, respectively forfeit and pay to the president and managers of the Norristown and King of Prussia turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered.

Commencement and completion of road.

SECTION 17. If the said company shall not proceed to carry on said work within three years after the passage of this act, or shall not within four afterwards complete the same, according to the true intent and meaning of this act, then or in either of those cases all and

singular the rights, liberties, privileges and franchises hereby granted, shall revert to this commonwealth.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 416.

AN ACT

To incorporate the Union turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Gardner, John Gardner, William Montgomery, Harvey Hackley, John P. Farnham, Theron Finn, Lewis S. Waters, Abraham Van Fleet, Uriah Gritman, John Oakley, be and they are hereby appointed Commissioners. commissioners to do and perform the duties hereinafter mentioned; that is to say, they shall, on or before the first day of January, one thousand eight hundred and fifty, procure a book, and therein enter as follows: "We whose names are hereunto subscribed do promise to pay the president and managers of the Union turnpike road company the sum of twenty-five dollars for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the president and managers in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Union turnpike road company.' Witness our hands the

day of _____, Anno Domini, one thousand eight hundred and _____; and shall give at least thirty days' notice in a Form of sub-
scriptions. newspaper published in Luzerne county, of the time and place when and where the said book shall be opened to receive subscriptions of stock of the said company, at which time and place two or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid at least six hours in each juridical day, for the space of six days, or until the book shall have subscribed Number of shares therein two hundred shares; and the said commissioners may adjourn from time to time, and transfer the book from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require.

SECTION 2. When ten or more persons shall have subscribed sixty or more shares, and the said commissioners, or a majority of them,

shall have certified, under their hands and seals, to the governor, the names of the subscribers and the number of shares subscribed by each. it may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and also those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The Union turnpike road company;" and by the same name the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation; and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscription, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of the act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organization. SECTION 3. The stockholders, or any two of them, named in the letters patent, shall, as soon as conveniently may be after issuing of the same, *shall* give notice in one or more of the newspapers published in the county of Luzerne, of a time and place to be by them appointed, not less than twenty days from the time of the first notice; at which time and place the said subscribers, or as many of them as may be then present, shall then proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, or by proxy duly authorized, in person, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may break, alter or renew at their pleasure; and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held not exceeding five, but no number of shares above five shall entitle the holder thereof to more than two votes at any election or meeting of said company: *And provided also*, That no person shall be entitled to hold the office of president, manager or treasurer of the said company, who is not a stockholder thereof: *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the shares by him or her held at the time of such election or meeting shall have been fully paid and discharged.

Seal.
By-laws.
Proviso.
Vacancy in treasurer's office, how filled.

SECTION 4. If any treasurer elected by virtue of this act shall die, resign or refuse to act, or neglect to give security for the faithful discharge of the duties of his office as the board of managers may direct and require, *of* having given the security required, shall neglect or refuse to take upon himself and perform all the duties of said office, it shall be the duty of the said managers for the time being to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed until the next election

by the stockholders, on his giving the requisite security, and until a successor shall be duly elected, and give the security required.

SECTION 5. The stockholders shall meet on the first Monday of November in each year, at such place as shall be fixed by the by laws of said company, for the purpose of choosing, in manner aforesaid, such other officers for the year ensuing the term of service of those previously elected. Annual meeting.

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president, and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held the sum of five dollars: which certificate shall be transferable in person, or by attorney, on the books of the said company, only subject to the sum due, or to become due, on the share or shares so transferred. Certificates of stock.
Transferable.

SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground and quarries of stone and gravel and other materials that may be necessary in making and constructing the said road; and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill combine shortness of distance with the most eligible ground, beginning at or near the Benton corners, in the county of Luzerne, thence to the nearest and best route to the place known as the White Oak run, a branch of the Lackawanna, in the township of Blakely, in said county of Luzerne. Enter upon lands.
Location.

SECTION 8. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose; and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation; to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on their work; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by their secretary; and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of the said company shall be entrusted to them. Powers.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days' notice in two newspapers printed in Luzerne county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and such additional penalty shall become equal to the sum before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholder of such instalments as aforesaid, for the space of sixty days aforesaid, the president and managers may at their election cause suit to be brought, in the same Payments.
Penalty for neglect.

manner as debts of a like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

May enter upon lands.

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties; or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be mutually chosen; or if either party, upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace for the county wherein the said land lies, who shall not be interested therein, and upon the tender of the assessed value, to dig and carry away any timber, stone and earth or other materials necessary or suitable for making said road.

Damages, how adjusted.

Accounts.

SECTION 11. The said president and managers shall keep fair and just accounts, as well of all moneys received by them, as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work; and to demand and receive the moneys subscribed for such additional shares in like manner and under like penalties as are provided by this act in case of the original subscriptions.

May increase capital stock.

May erect bridges

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary, and shall cause a road to be laid out not exceeding sixty feet in width, and shall cause at least eighteen feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require and will afford to be constructed, in such manner as will admit an even surface; and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden and prostrate the timber on each or either side of the said road within a distance not exceeding one hundred feet from the centre of the said road, they making just and equitable compensation to the owners at the time of so doing.

Proviso.

Viewers to be appointed when eight miles of said road are finished.

SECTION 13. Whenever and as often as the said company shall have finished eight continuous miles or more of the road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and to report on oath or affirmation to him whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall by license, under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many toll gates upon and across the said road as will be

License to take toll.

necessary and sufficient to collect from all persons, otherwise than on foot, the same tolls which are hereinafter mentioned and authorized: *Provided*, That all persons attending funerals, military parades and trainings, or divine worship on the Sabbath day, shall at all times be exempted from payment of any toll on said road. Proviso.

SECTION 14. The said company having perfected the said road, or such part thereof from time to time as aforesaid, and being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person or persons using the said road, the rates and tolls hereinafter mentioned, and to stop any person riding or leading any horse, or driving any cattle, hogs, sheep, or driving any coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriages of burden or pleasure from passing through the said turnpike or gates, until they shall have respectively paid the same; that is to say, for every five miles in length of the said road completed and licensed as aforesaid, the following sum of money, and so in proportion for any lesser or greater distance actually traveled, or for any greater or lesser number of sheep, hogs or cattle, to wit: for every score of hogs six cents; for every score of sheep six cents; for every score of cattle twelve and a half cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses nine cents; for every chariot, coach, phaeton or chaise, with four wheels and two horses, twelve and one-half cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other of pleasure under whatever name it may go the like sums, according to the number of wheels and horses drawing the same; for every sled two cents for each horse drawing the same; for every cart or wagon, the wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth four inches, and not exceeding seven inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for every horse drawing the same; and all carriages aforesaid which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road with intent to defraud the said company of their toll, or any part thereof, each person or persons shall for every such offence forfeit and pay to the use of the said company any sum not exceeding five dollars; and if any toll-gatherer shall demand and receive greater or other toll from any person or persons than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherer shall forfeit and pay the sum of twenty dollars for every such offence to the supervisors of the township in which the forfeiture is incurred, for the repair of the roads in the said township: *Provided always*, That it shall and may be lawful for the said com- Toll-gatherer.

Tolls.

Penalty for fraudulent means

Proviso.

pany, by their by-laws, to regulate the burden or carriages to be drawn along the said road, in such manner as shall be found from experience to be most conducive to the public convenience and the advantage of said company.

Penalties for offence against this act.

SECTION 15. For collecting and receiving tolls, for every attempt to evade the payment thereof, for every neglect to keep the road in good repair, for the increase, diminution and application of the tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for the limitation of actions, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all powers, authorities and privileges, and to be subject to all the penalties which are given and granted by the act incorporating the Union turnpike road company.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. F. JOHNSTON,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 417.

AN ACT

To incorporate the New Castle and New Wilmington plank road company in Mercer county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of making a plank road from New Castle, Mercer county, to New Wilmington, in said county, Alexander Moore, William Francis, Theodore Power, James Mitchell, junior, James Watson, senior, Robert Watson, senior, William Hunt, Joseph M'Dowell, S. T. Wilder, A. Crawford, Isaac Dickson and J. M. Crawford, be and they are hereby appointed commissioners to do and perform the duties herein mentioned; that is to say, that they shall procure a book or books and therein enter as follows: "We whose names are hereunto subscribed do promise to pay the president and managers of the New Castle and New Wilmington plank road company, the sum of fifty dollars for every share of stock by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers in pursuance of an act, entitled 'An Act to authorize the governor to incorporate the New Castle and New Wilmington plank road company.' Witness our hands the day of Anno Domini, one thousand eight hundred and ;" and shall give at least twenty

Commissioners.

Subscription.

Form of subscription.

days' notice in two newspapers published in the county, of the time and place, when and where the said books shall be opened to receive subscriptions of stock of the said company; at which time and place two or more of said commissioners shall attend and receive subscriptions from all persons of lawful age, who in person or by attorney shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid at least five hours in each juridical day for the space of six days, or until the books shall have subscribed therein at least three hundred shares; the capital stock of said company shall consist of three hundred shares, at fifty dollars per share, with the privilege of increasing the stock at the same rate per share, should that amount be found not sufficient to complete the work; and the said commissioners may adjourn from time to time, and transfer the books from place to place until the whole number of shares shall be subscribed; of which adjournment and transfer the said commissioners may give such notice as they may deem necessary: *Provided*, That every person offering to subscribe in the said books in his own name or any other name, shall previously pay to the attending commissioners the sum of two dollars for every share subscribed or to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription, and other incidental expenses, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter provided.

SECTION 2. That when ten or more persons shall have subscribed one hundred or more shares of the said stock, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by each, to the governor; and thereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of the state, to create Letters patent. and erect the subscribers into one body politic and corporate in deed and in law, by the name, style and title of "The New Castle and New Style. Wilmington plank road company;" and by the said name the subscribers and their assignees shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of Privileges. taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and renewing and keeping the same in repair and for other necessary purposes; and of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

SECTION 3. That the commissioners above named as soon as conveniently may be after the said letters patent shall be issued, shall give two weeks' notice in two papers published in the county, of the time and place by them to be appointed, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers by ballot, to be delivered in person, or by proxy duly authorized, one president, six managers, one treasurer, who are stockholders, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; who shall and may make such by-laws, rules, orders and regulations not in- Organization. Officers.

consistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering and conducting the affairs of the said company; they may make and have one common seal, and the same alter or renew at their pleasure; and in case of the death, removal or resignation of the president, or any manager or other officer of the company, the board of managers may and shall choose another to fill such vacancy until the next annual election of said company: *Provided always*, That each stockholder shall be entitled to one vote for every share of stock held by him or her, but no stockholder shall be entitled to vote at any election or meeting of said company, unless the instalments due and payable on each and every share or shares held by him or her shall have been fully paid and discharged: *Provided further*, That no person shall be permitted to subscribe for more than twenty shares.

Vacancy in the office of treasurer, how supplied.

SECTION 4. If any treasurer elected by virtue of this act shall die, resign or refuse to act, or shall neglect to give security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all duties of said office, it shall be the duty of the said managers for the time being to appoint some suitable person treasurer, who shall hold the office until the next election by the stockholders, on his giving the security which may be required by the managers, and until a successor shall be duly elected and qualified.

Annual meeting of stockholders.

SECTION 5. The stockholders of the company shall meet on the first Monday in December next following their organization, and on the first Monday in December in every year thereafter, at such place as shall be fixed by the by-laws, for the purpose of choosing managers and officers for the ensuing year in manner aforesaid, and at such other times as they shall be notified by the managers in such manner as shall be prescribed by the by-laws; at which annual and special meetings they shall have full power and authority to make, alter or repeal, such by-laws, rules, orders and regulations as may be necessary for managing the affairs of the company, and to do and perform any other corporate act.

Certificates of stock.

SECTION 6. The president and managers shall procure certificates, to be written or printed, and upon the payment of the instalments due thereon, shall deliver one certificate signed by the president and countersigned by the treasurer and attested by the seal of the corporation, to each stockholder for the number of shares held by him or her; which certificate shall be transferable at his, or her, or their pleasure, in person or by attorney duly authorized, in presence of the president or treasurer, on the book or books of the company; subject, however, to the payment of all instalments due and to become due thereon; and such transferee thenceforth shall be a member of the corporation.

Transferable.

President and managers, meeting of.
Quorum.
Powers.

SECTION 7. The president and managers shall meet at such times and places to transact the business of the company, and in such manner as shall be ordained by the by-laws; and four members shall form a quorum, who, in the absence of the president, may choose a president pro tem., and shall keep minutes of all their transactions fairly entered in a book, and shall have full power and authority to make contracts, appoint surveyors, engineers, superintendents, artists and officers as they shall judge necessary to carry on the intended work, and to fix the salaries or wages, which shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by their secretary, a minute of which shall be kept, and generally to do all such matters, acts and things as by the laws, rules, orders and regulations of the company shall be committed to them.

SECTION 8. If any stockholder, whether original subscriber or assignee, after notice inserted once a week for four weeks in succession, in two newspapers published in the county, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, shall neglect or refuse to pay such proportion at the time and place appointed, and for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment after the expiration of the said sixty days; and if the same and the additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such share, the same shall be forfeited by and to the said company, and may be sold by them to any person willing to purchase, for such price as can be obtained therefor; or in default of payment by any stockholders of said instalments as aforesaid, for the space of sixty days, the president and managers may at their election cause suit to be brought in the same manner as debts of a like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

SECTION 9. It shall and may be lawful for the president and managers of said company to lay out the route or track of said road, beginning at the county line dividing Beaver and Mercer counties, in or opposite the mouth of Jefferson street, at said line, in the borough of New Castle, Mercer county; and thence by the vicinity of the Union church, in Neshannock township, in said county, by such route as shall appear to said managers to be advisable, to such point as they shall select for its termination in or near the village of New Wilmington, in Wilmington township, in said county; and for this purpose it shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists, workmen and laborers, to enter in and upon the lands, tenements and enclosures through and over which the said road may be laid out, to examine the quarries of stone or gravel and other materials that may be necessary in constructing said road; and to mark, survey, ascertain and fix the route of the said road between the limits aforesaid; and to take and occupy for the bed of said road, such public streets, roads and bridges as said managers may think necessary: *Provided*, That if said company shall find it necessary to change the site of any public road, they shall cause the same to be reconstructed forthwith, at their own proper expense, on the most favorable location, in as perfect a manner as the original road.

SECTION 10. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and workmen to cause a road to be laid out and opened not less than thirty feet in width, nor more than fifty feet; and shall cause not less than seventeen feet thereof in breadth to be made an artificial road; and the said artificial road shall be faced with plank not less than two inches thick, laid upon wooden sills or other timber, in such manner as to secure a firm and, as nearly as the nature of the country will admit, an even surface, rising towards the middle, and so nearly level in its progress as not to rise or fall more than four degrees from a horizontal line, and shall forever hereafter maintain and keep the same in perfect order and repair; and the said company shall have power to erect bridges over water courses when necessary.

SECTION 11. In case the said president and managers and the owner or owners of land, tenement or enclosure through which the said road may be laid out, cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freehold-

Forfeiture of stock.

Location of road.

Enter upon lands, &c.

Width of road.

Damages, how adjusted.

ers, to be chosen by the parties, or if they cannot agree, to be appointed by the court of quarter sessions of said county, who, before entering on their duties, shall take an oath or affirmation to perform their duties with fidelity, and in determining the amount of damages, shall take into consideration the advantages as well as disadvantages of the road; and the amount of such damages or compensation so assessed shall be paid by said company, or adequate security therefor, to be approved by the said court for the payment thereof in one year, shall be given, before the lands of such owner shall be taken or occupied by said company; and if either party shall be dissatisfied with the assessment of damages made as aforesaid, in any case, it shall be lawful for such party to appeal from the award, at the next court of common pleas, upon entering into security, in such form as the court may direct; in which cases, the owner of the land shall be plaintiff, and said company defendant; and the same shall thereon be proceeded in and tried in all respects as an appeal from an award of arbitrators; and the costs shall abide the event of the appeal, in the same manner as in an appeal from an award of arbitrators: *Provided*, That in case of an appeal by either party, upon security being given as aforesaid for the amount of compensation or damages assessed as aforesaid, it shall be lawful for the said president and managers, their superintendents, artists, laborers, with horses, carts and wagons, tools and implements, to enter upon all such lands so assessed and secured, to make, construct, grade and finish said road, and do all other matters necessary for carrying out the objects of this act, as freely and as uninterruptedly as if full compensation had been made for all such lands.

Viewers.

SECTION 12. As soon as the company shall have perfected two miles and a half of the said road, and so from time to time when any distance not less than one mile shall be completed, they shall give notice thereof to the governor, who shall thereupon appoint three skilful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a competent and workmanlike manner; and if their report shall be in the affirmative, then the governor shall by license under his hand and seal of state, permit and suffer the said president and managers and company to erect and fix such and so many gates or toll bars upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts and other carriages; and it shall be lawful for the said company to erect within the limits of their road, at each of their gates or toll bars, a toll house or dwelling house for the use and accommodation of the toll-gatherer at such gate: *Provided*, That such building shall not extend into the said road from the edge thereof, more than eighteen feet, and shall not be erected immediately in front of any building which may be on the adjoining land on the same side of the road with such toll house.

License to take toll.

Toll-gatherers.

SECTION 13. That when said road, or any part thereof is completed from time to time, and approved as aforesaid, it shall and may be lawful for the company to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horse, cattle, hogs, sheep, coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled, or any other beast or carriage of burden or pleasure from passing through said toll gate, until they shall have respectively paid the same; that is to say, for every mile in length of said road completed and approved as aforesaid, the following sums of money,

Rates of toll.

and so in proportion for any greater or lesser number of sheep, cattle, hogs, et cetera, to wit: for every score of hogs one cent; for every score of sheep one cent; for every score of cattle two cents; for every horse and rider, or led horse, one cent; for every horse or mule attached to or hauling a pleasure vehicle, whether sulkey, chaise, phaeton, sleigh, or other carriage of pleasure under whatever name it may go, one and a half cents; for every horse attached to or hauling a stage wagon, sleigh, sled or other vehicle for the conveyance of passengers, one and a half cents; for every cart, wagon or other vehicle of burden, whose wheels shall not be four inches in width, and shall not have more than three horses attached to or drawing the same, one half cent for each horse; for every cart, wagon or other vehicle of burden, whose wheels shall not be four inches in width, and drawn by four or more horses, one cent for each horse; for every cart, wagon or vehicle of burden, whose wheels shall be four or more inches in width, with not more than six horses drawing the same, one-half cent for each horse; for every such vehicle of burden, with more than six horses, one cent for each horse; for any horse attached to any pedler's, show or circus wagon or vehicle of the like description or purposes, one and a half cents; and in the cases of vehicles as aforesaid drawn wholly or in part by oxen, two oxen shall be estimated equal to one horse; and every mule and ass shall be estimated as equal to one horse; and for all fractional sorts of toll not equal in value to any denomination of coin in circulation, the said company may take and receive the next highest circulating denominations: *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the rates herein specified, and raise them again to the amount permitted by this act, during such times and seasons, and with such discrimination, as the company may think most expedient: *Provided also*, That when any person or persons shall travel or make use of a fractional part of a mile of said road, it shall and may be lawful for the said toll-gatherers to charge and receive toll from such person or persons for the whole mile of which said fractional portion forms a part; and it shall also be the duty of the president and managers of said road to issue printed or written certificates annually or semi-annually, to any person or co-partnerships who shall desire to use said road for a period of six months or more, upon payment of the estimated amount of tolls for such period; which said certificate or certificates shall authorize the toll-gatherer on said road to allow the free and uninterrupted passage of any vehicles, horses, cattle, sheep, hogs, et cetera, owned or employed by such person or co-partnerships named and specified in said certificate or certificates, through their respective toll gates; and it is hereby enjoined upon the president and managers of said road, where and upon such person or co-partnership shall purchase a certificate or certificates as aforesaid amounting, in the aggregate, to the sum of one hundred dollars or more for one year, to allow to such person or co-partnership, at the time of purchasing said certificate or certificates, or drawback or discount equal to fifteen per centum on such amounts: *And provided further*, That no toll shall be exacted from persons attending funerals, church, or riding in military procession.

SECTION 14. If any person or persons riding in or driving any carriage of burden or pleasure as aforesaid shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to or adjoining any toll bar or gate which shall be erected in pursuance of this act, or if any person or persons shall with the intent

Penalty for defrauding company of toll.

aforesaid take off, or cause to be taken off, any horse or other beasts, or cattle of burden or draught from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, every such person or persons shall on conviction before any justice of the peace of the proper county for every such offence, forfeit and pay to the president and managers of said company, any sum not exceeding ten dollars for the use of said company.

Provision to
compel company
to keep their
road in good or-
der.

SECTION 15. If the said company shall neglect to keep the said road in good and perfect order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the said county of Mercer, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time in the said precept to be mentioned, at the place complained of in the said road, of which meeting notice shall be given to the keeper of the gate or toll bar nearest thereto; and the said justice shall at such time and place, by the oaths or affirmations of said freeholders, inquire whether the said road, or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, he shall certify and send one copy of said inquisition to each of the keepers of the toll bar or gates next to such defective place, and from thenceforth the tolls hereby granted to be collected at such toll bar or gates for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good order and repair as aforesaid; and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance aforesaid, such keeper shall forfeit and pay, on conviction before any justice of the peace of said county, for the use of the person prosecuting for the same, the sum of five dollars; but if the same shall not be put into good order and repair before the next ensuing court of quarter sessions of said county, the said justice shall certify and send a copy of the said inquisition to the judges of the said court; and the court shall thereupon direct a bill of indictment to be sent to the grand inquest, against the president and managers of the said company, and upon conviction shall give such judgment as the court in their discretion shall judge proper: *Provided*, That the fine in no instance shall be less than five dollars nor more than twenty dollars, and the fines to be imposed shall be recovered in the same manner as fines for misdemeanor are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place or township where such offence was committed, to be applied to repairing the highways in such township.

Penalty for de-
manding exces-
sive tolls.

SECTION 16. If any toll-gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded shall have actually traveled along said plank road, or may actually travel between any gate and the gate thereto less than the whole distance, or shall demand and receive a greater toll than he is authorized to receive by this act, such toll-gatherer shall upon conviction thereof before any justice of the peace of said county, forfeit and pay the sum of ten dollars for every such offence, to the use of the poor of the township in which said offence may be committed.

SECTION 17. The said company shall cause milestones to be placed on the side of the said plank road, beginning at the distance of one mile from the county line aforesaid, on which milestone shall be marked in

plain legible characters, the respective number of miles which each stone is distant from the town of New Castle, and at every gate by them erected on the road, shall cause the distance from the point of beginning to the point of termination of the said New Castle and New Wilmington plank road, to be marked in legible characters on the said gates, or some other conspicuous place near thereto; and also shall cause to be affixed at such place, a printed list of the rates of toll which from time may be lawfully demanded, for the information of travelers and others using said road.

SECTION 18. If any person or persons shall wilfully break, deface, pull up or prostrate any milestone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or shall destroy, deface or obliterate the letters, figures or other characters marked thereon at any toll gate, or shall without permission of the acting superintendent of the said road, throw out upon the said road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds, rubbish or materials of any kind, such person or persons being convicted thereof by evidence of one or more credible and disinterested witnesses, before a disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding ten dollars, to be recovered with costs as debts of a like amount are by law recoverable, which fine, when recovered and received by said justice, shall be paid to the treasurer of the said company, for the use of the said company.

Penalty for injuries to company's works.

SECTION 19. The drivers of all wagons, carts and drivers of carriages of all kinds using the said road, shall except when overtaking and passing by a carriage of slower motion, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and re-pass; and if any wagoner, or carter, or driver shall offend against this provision, he shall on conviction forfeit and pay any sum not exceeding ten dollars, to any person who will sue for the same, before any justice of the peace of the said county, to be recovered with costs of suit.

Drivers of wagons, &c, to keep to the right hand, &c.

SECTION 20. No suit or action shall be brought or prosecuted for any penalty incurred under this act, unless such suit shall be commenced within three months after the offence, and the defendant in such suit may plead the general issue, and give this act and the special matter in evidence, and that the same was done in the pursuance and by authority of this act.

Suits.

SECTION 21. The president and managers of the said company shall keep fair and just accounts of all moneys which may be received or paid by them, or expended in the prosecution of their work, and shall at least once in every year submit such accounts to a general meeting of the stockholders; and whenever it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner, and under like penalties as are hereinbefore provided for the original subscription.

Accounts.

SECTION 22. As soon as the annual profits of the said road shall enable them to make such dividend, the president and managers shall on the first Monday in March in every year, after reserving so much of said profits as they shall deem prudent and necessary, in order to create a

Dividends.

sinking fund for the use and benefit of said plank road company, and for renewing and keeping said road in repair, declare a dividend of the clear profits among the stockholders, and give notice of the time and place, when and where the same will be paid.

Commencement
and completion
of road.

SECTION 23. If the company shall not commence the said work within five years after the passage of this act, or shall not within ten years thereafter complete the same, as far as or near to the Union church, in Neshannock township, Mercer county aforesaid, according to the true intent and meaning of this act, in either of these cases it shall and may be lawful for the legislature to resume all and singular the rights, liberties, privileges and franchises hereby granted to the said company.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. F. JOHNSTON,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 418.

AN ACT

To authorize the governor to incorporate the West Chester and Philadelphia railroad company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Townsend Haines, William Everhart, Robert Irwin, William Apple, John S. Bowen, James B. Wood, John Marshall, Philip D. Thomas, Nimrod Strickland, John Hickman, P. Frazer Smith, John Rutter, Isaac L. Miller, Elijah Lewis, Nathan Garrott, Paschal Morris, of Chester county; William Bishop, James Wiling, Richard M. Thomas, George Smith, David Lyons, John T. Huddleson, Edward Darlington, John P. Crosier, of Delaware county; William M. Evans, J. Price, Wetherill, George W. Carpenter, Richard Vaux, John Hare Powell, Townsend Sharpless, or any three of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall on or before the third Monday of June next, procure three books, one of which shall be opened at the Merchants' Exchange, in the city of Philadelphia, one at the Mansion House, in the borough of West Chester, in the county of Chester, and one at the house of William Irwin, in the borough of Chester, in the county of Delaware, in each of which they shall enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers of the West Chester and Philadelphia railroad company, the sum of fifty dollars for every share of stock set opposite

Subscription.

our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate the West Chester and Philadelphia railroad company.' Witness our hands the day of one thousand eight hundred and forty- ;" and shall thereupon give notice in at least one newspaper printed in the county of Delaware, and in one newspaper printed in the city of Philadelphia, two weeks at least, of the times and places, when and where the said books shall be kept open to receive subscriptions for the stock of the said company; at which respective times and places one or more of the commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in the said books in their own names, or in the names of any other person who shall authorize the same for shares in the said stock; and the said books shall be kept open respectively for the said purpose at least six hours in every juridical day for the space of three days, or until there shall have been subscribed twelve thousand shares; and if at the expiration of three days the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere until the whole number of twelve thousand shares shall be subscribed; of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no subscriptions shall be valid, unless the person so subscribing shall pay to the said commissioners at the time of making the same, the sum of five dollars on each and every share for the use of the company.

Who may subscribe.

SECTION 2. That when six thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share as aforesaid, the commissioners, or a majority of them, shall certify to the governor, under oath or affirmation, the names of the subscribers and the number of shares subscribed by each, and the sum of five dollars on each share paid at the time of subscribing, whereupon the governor shall, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares first aforesaid, into a body politic and corporate in deed and in law, by the name, style and title of "The West Chester and Philadelphia railroad company;" and by the same name the subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere; and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal and mixed, of what kind or quality soever, and the same from time to time to sell, exchange, mortgage, grant, alien or otherwise dispose of; and to make dividends of such portions of the profits as they may deem proper; and also, to make and have a common seal, and the same to alter and renew at pleasure; and also, to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation, and the due

Letters patent.

Style.

Privileges.

management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever.

Organization. SECTION 3. That the aforesaid commissioners, or a majority of them, shall as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days' previous public notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented duly authorized, one president and six managers, all of whom shall be residents of this commonwealth, a treasurer, secretary and such other officers as shall be deemed necessary; that the president and managers aforesaid shall conduct the business of said company until the second Monday in January then next, and until like officers shall be chosen, and may make such by laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the said company: *Provided*, That no person but a stockholder shall be eligible to the office of president or manager.

Officers.

By-laws.

Annual meeting of stockholders. SECTION 4. That the stockholders shall meet on the second Monday of January in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given at least fifteen days previous by the secretary, in the newspapers before mentioned, and choose by a majority of the votes present, officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year and until others are chosen, and at such other time as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of the votes in the manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she hold, in the proportions following: for every share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; and for every five shares above ten, one vote; but no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of the election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies:" *And provided also*, That no share shall be entitled to vote at any election, or at any general or special meeting of said company, on which any instalment or arrearages may have been due and payable more than thirty days previously to said election or meeting.

Votes.

Proviso.

Proviso.

SECTION 5. That the election of officers provided for in the third section of this act shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the same election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly and according to law to conduct such election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of voters, and when the election is closed, shall count the votes, and declare who has been elected. And if it shall at any time happen that an election of president, managers, treasurer, secretary, or other officer, shall not be made, the corporation shall not, for that cause, be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary, or other officers, on any day thereafter, by giving at least ten days' notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding the said election; and the president, managers, treasurer, secretary, and other officers of the preceding year, shall, in that case, continue to act and be invested with all the powers belonging to their respective situations, until an election shall take place; in the case of death, resignation, or removal from the state, of the president, managers, treasurer, or secretary, his place may be filled by the board of managers until the next annual meeting.

Elections, how to be conducted.

SECTION 6. That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and, when met, four shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall be empowered and have authority to appoint all such surveyors, engineers, superintendents, and other officers and artists, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manners, and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for moneys, which shall be signed by the president, or in his absence, by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are hereby authorized to do.

President and managers.
Quorum.
Powers.

SECTION 7. That the said president and managers first chosen shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one or more certificates, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for the number of shares by him or her subscribed or held; which certificate or evidence of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, one of whom shall keep a book for that purpose, subject, however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation; and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all the penalties and forfeitures, and to be sued for all the balance or penalty due or to become due on each share, as the original subscriber would have been.

Certificates of stock.

Transferable.

Forfeiture of stock.

SECTION 8. 'That if after thirty days' notice in the public papers aforesaid of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment; and if the same, or additional penalty, shall remain unpaid for such a space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

To demand from officers a bond with sureties.

SECTION 9. That the president and managers of the said company shall demand and require of and from the treasurer, and may demand and require of and from all and every other the officers and other persons by them employed, bond in sufficient penalties, and with such securities of the said company shall by their rules, orders and regulations require for a faithful discharge of the several duties and trusts to them respectively committed.

Dividends.

SECTION 10. That dividends of so much of the profits of the institution as shall appear advisable to the managers shall be declared at least twice a year in every year, and paid to the stockholders on demand at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if the said managers shall make any dividend which shall impair the capital stock of such institution, the managers consenting thereto shall be liable in their individual capacities to the said company for the amount of the stock so divided; and each manager present at the time when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend: *Provided*, When such dividend shall exceed twelve per cent. per annum, then one-half of such excess shall be paid into the state treasury, and placed to the credit of the education fund.

Location.

SECTION 11. That the president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark, and fix such route as they shall deem expedient for a railroad, with as many tracks as they may deem necessary, beginning at or near the borough of West Chester, in the county of Chester, and terminating at some suitable point at or near the permanent bridge, in the county of Philadelphia.

Subject to provisions of certain act.

SECTION 12. The provisions of the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty third, twenty fourth, and twenty-fifth, sections of an act, entitled "An Act to authorize the governor to incorporate the Philadelphia and Reading railroad company," approved

the fourth day of April, Anno Domini one thousand eight hundred and thirty-three, shall be deemed to apply to the railroad company hereby incorporated, to all intents and purposes as fully and effectually as if the said provisions were specially enacted by this act: *Provided*, That the persons to assess damages, and the jury to be summoned, as provided in the twelfth section of said act, shall be appointed and summoned from the counties of Chester, Delaware, and Philadelphia: *And provided also*, That the time for commencing said work shall be three years, and the time for completing the same shall be six years: *And provided further*, That it shall not be lawful for said company to increase the capital beyond the sum of twelve hundred thousand dollars.

SECTION 13. That the president, managers and company of the railroad company hereby incorporated, shall not take any private property until they shall have made compensation to the owners thereof, or have given adequate security therefor. Not to take private property until security is given.

SECTION 14. All tonnage that may pass upon this road from the Columbia and Philadelphia railroad to the city of Philadelphia, or from the said city over this road to the Columbia railroad, shall pay a tax to the state, at the rate of one dollar and fifty cents per ton, to such person or persons as the canal commissioners may designate to receive it, and upon each and every passenger upon the said road, passing from the Columbia and Philadelphia railroad to the city of Philadelphia, or from the said city over this road to the Philadelphia and Columbia railroad, the said company shall pay a tax of one dollar to the commonwealth. Tax to be paid the state.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. STUNK.

[1849.]

No. 425.

AN ACT

To authorize Amanda M. Richmond, of McKean county, the trustees of the Church of God in Fredericksburg, Lebanon county, and Thomas Hoyt, junior, guardian, to sell certain real estate; empowering William H. Holstein, guardian, to draw and appropriate certain moneys; in relation to insurance companies and the agencies of insurance companies not chartered by this state; and to liens in Lycoming and Clinton counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Amanda M. Richmond, administratrix of Nelson Richmond, deceased, authorized to sell certain real estate.

Amand M. Richmond, of the county of M'Kean, in the said commonwealth, administratrix of the estate of the honorable Nelson Richmond, late of said county, deceased, is hereby authorized and empowered to convey by deed of special warranty, all and any wild and uncultivated lands of which the said decedent died seized, for the sale of which the said decedent had made contract during his life time, and for which the purchaser or purchasers had made all, or part payment during the life of said decedent; also to sell and convey by deed as aforesaid, any tracts of wild land now the property of said estate, by public or private sale, upon such terms as the said administratrix shall deem advisable, giving such credit, upon good securities being given, to the purchaser as she shall judge most advisable for the interest of said estate; the proceeds of which last mentioned sales to be used towards payment of the debts of the said estate, if needed, and if not so needed, then to be invested under the authority and by the sanction of the orphans' court in said county, for the use and benefit of the minor heirs of said decedent: *Provided*, That before making such sales as aforesaid, the said administratrix shall give a bond in such sum, and with such surety as the orphans' court of said county shall order and direct, for the faithful execution of the powers conferred upon her by this act, and the re-investment of the proceeds of the sales hereby authorized to be made.

Proviso.

Christian Kleinfelder, Jacob Kreiser and John Desh, authorized to sell a certain lot of ground in Fredericksburg, Lebanon county.

SECTION 2. That Christian Kleinfelder, Jacob Kreiser and John Desh, of Fredericksburg, Lebanon county, be and they are hereby authorized to sell the house and lot of ground, situate in the town and county aforesaid, and conveyed to them by Christian Eshelman and Susannah, his wife, by deed bearing date the eighteenth day of May, one thousand eight hundred and forty-four, in trust for the use and benefit of the congregation of the Church of God, and that they be and are hereby authorized to execute, acknowledge and deliver a good and sufficient deed therefor, to the purchaser or purchasers in fee simple, altogether discharged from any obligation on the part of the said purchaser or purchasers to see to the proper application of the purchase money: *Provided however*, That before the said Christian Kleinfelder, Jacob Kreiser and John Desh shall execute any such deed, they shall give security in the court of common pleas of Lebanon county, to be approved by the said court, conditioned for the faithful application of the proceeds of the sale of said house and lot of ground, to the payment of the debts due and owing by the said congregation of the Church of God.

Proviso.

Wm. H. Holstein, executor of George W. Holstein, deceased, authorized to draw certain moneys.

SECTION 3. That William H. Holstein, executor of George W. Holstein, deceased, be and he is hereby authorized and empowered to draw upon the Bank of Montgomery County, for the amount deposited therein by the late George W. Holstein, treasurer of the Norristown insurance company of Montgomery county; and after due notice given shall discharge the respective debts contracted by the original commissioners in the effort to organize said company, and of the balance remaining, refund to the several subscribers pro rata upon the presentation of their respective certificates; and in the event of any of the subscribers failing to produce their certificates as aforesaid, for the space of three months after publication of notice, the said William H. Holstein is hereby authorized and required to deposit the same with the treasurer of the Norristown insurance and water company, there to remain subject to the draft of the absent certificate holder, his heirs and assigns on due proof or title thereto; and the receipt of the said treasurer shall release the said William H. Holstein from all further action or liability in the premises.

SECTION 4. That Thomas Heyl, junior, guardian of D. S. Wiltberger, Jacob H. Wiltberger and Thomas Wiltberger, minor children of Thomas Wiltberger, deceased, be and he is hereby authorized and empowered to sell and convey the right, title and interest of said minor children, by public or private sale, in and to a certain tenement, lot and piece of ground, situate in the borough of Minersville, in the county of Schuylkill, known in the general plan of said borough as block number three, commencing at the north-east corner of North and Front streets; thence a northerly course along Front street one hundred and fifty feet to the south-east corner of Front street and Carbon alley; thence eastwardly one hundred feet to the Railroad street; thence one hundred and fifty feet southwardly to North street; thence westwardly one hundred feet to the place of beginning: *Provided*, That said guardian shall not sell or convey the interest of either of his said wards at a less sum than E. A. Wiltberger, one of the heirs of said deceased, who has attained his majority, has sold or shall sell his interest: *And provided further*, That before said guardian shall make such sale, he shall first give a bond with sufficient security or sureties, to be approved of by the orphans' court of Schuylkill county, conditioned for the due and faithful application of the proceeds of such sale.

Thos. Heyl,
guardian of the
minor children of
Thos. Wilt-
berger, deceased,
to sell certain
real estate.

Proviso.

SECTION 5. That any body politic or corporate, individual, firm, company or co partnership, incorporated, formed or established for insurance, life annuity or trust purposes, can or may have an agency or agencies within this commonwealth, and can and may become insurers in any case whatever, legitimately appertaining to their business, and not contrary to the laws of this commonwealth: *Provided*, That the said agents of such insurers shall comply with the provisions, terms and conditions following, to wit:

Insurance com-
panies and agen-
cies.

SECTION 6. I. Every such insurance association, (life insurance, and annuity, and trust companies excepted,) desirous of establishing such an agency, shall pay to the treasurer of the respective counties within which such agency is to be established, for the use of the commonwealth as follows, to wit: in the city and county of Philadelphia the sum of one hundred dollars, and in the county of Allegheny seventy-five dollars, and in all other counties in this commonwealth the sum of fifteen dollars; and thereupon the said county treasurer shall issue to the said corporation, or to its authorized agent, a license to transact the proper business of said insurers within this commonwealth, for one year; and annually at or before the expiration of the year for which such license may have been granted, said corporation shall in like manner pay the sums as hereinbefore specified, for the renewal of such license from year to year, so long as the said agency or agencies may be continued in the county.

Payment to be
made by said as-
sociation for the
use of the com-
monwealth.

County treasurer
to issue license,
&c.

Payment for re-
newal of license.

SECTION 7. II. Every such insurance association or company not chartered by this commonwealth shall, before taking any risk or issuing any policy or obligation in the nature of a policy of insurance, and before transacting any business whatever at their agency, pass and certify, under their common or corporate seal, a resolution authorizing and requiring their agent to accept, in the name of the association or company, the service of any writ that may be issued against them out of any court or by any alderman or justice the peace within this commonwealth, and upon the return of such writ, so accepted, such proceedings may be had against any such association, or as might or could be had against any corporation established by the laws of this commonwealth, after the service of any such writ against them; and in case any final judgment against any such association or company shall re-

Service of writs,
how to be made.

main unsatisfied for the term of thirty days after the stay of execution has expired, it shall forthwith be the duty of the agent thereof to cease the transaction of business under the license granted to them, except so far as may be necessary to wind up and close the affairs of such agency; the said resolution shall be recorded in the office for recording deeds in the county where such agency may be established, at the expense of the association or company, and certified copies thereof, under the seal of the recorder, shall be good evidence as the original would be before any court, alderman, or justice of the peace, as aforesaid, and it shall be the duty of the attorney general to institute the necessary legal proceedings to enforce a compliance with this provision: and that whenever any insurance company chartered by this state shall establish a branch office or agency for the transaction of the business of the corporation in any other city, borough or county, than the one where their principal office is situated, the service of any legal process shall be deemed sufficient if made upon the principal clerk or agent of such branch agency, in the manner provided with regard to the service of any legal process upon the president, or other principal officer, or on the cashier, secretary or chief clerk of such corporation.

Section 8. III. The agent of every such association shall keep accurate accounts of all moneys received by him therefor, either directly or indirectly, by way of premium, or deposit for insurances, or for annuities, and shall make a return thereof under oath or affirmation to the auditor general annually on the first Monday in December in each year; and every such agent (excepting agents of life insurance and annuity companies) shall retain in his hands out of every dollar that he shall so receive for premiums of insurance, or for interest money on sums deposited for insurance on real estate as aforesaid, the sum of three cents, and at the time of making his returns as aforesaid, shall pay the said sum of three cents upon every dollar so received by him to the proper county treasurer, for the use of the said commonwealth, and take his receipt therefor in duplicate, one of which receipts he shall forthwith forward to the auditor general.

Section 9. IV. The agent of every such foreign life insurance, trust or annuity company or association shall, in like manner, pay over as aforesaid, before a license can be obtained, as follows, to wit: in the city and county of Philadelphia the sum of three hundred dollars, and in the county of Allegheny two hundred dollars, and in all other counties of this commonwealth the sum of forty five dollars, and a like sum thereafter for a renewal of such license, and the said agent retain in his hands out of every dollar that he shall receive for premiums, gross sums paid for annuities, and on all commissions for executing trusts, the sum of one cent; and at the time of making his returns as directed in the foregoing article, the said agent shall pay the said sum of one per cent, so received by him, to the proper county treasurer, for the use of the commonwealth, and shall take his receipt therefor in duplicate, one of which receipts he shall forthwith forward to the auditor general.

Section 10. V. It shall be the duty of every such foreign association or corporation, and every insurance company, life, trust and annuity company incorporated by the laws of this commonwealth, to publish, on or before the second Monday in January following, and in every year thereafter, at least three times a week for the space of two weeks, in a newspaper printed in the city or county in which they do business, or in which such agency may be established, if a daily newspaper be printed in such county, and in such counties where no daily newspaper is published, once a week for three weeks, a statement showing particu-

Resolution to be recorded.

Duty of attorney general.

Accounts.

Returns thereof to be made to the auditor general annually.

Certain per centage to be retained by the agent for the use of the commonwealth.

Agents of foreign life insurance, trust or annuity companies to make certain payment before receiving license

Statement of affairs to be published.

larly in tabular form, the amount of their capitals, the amount and nature of their assets, the annual amount of their premiums and moneys on deposit, the amount of their risks, insurances and annuities, distinguishing the amount of such risks, insurances and annuities, in such city, town and county respectively, and the amount of their debts and liabilities; and it is hereby made the duty of each county treasurer, where such agencies may be established within this commonwealth, to see to the fulfilment of the foregoing regulations by the said corporators.

SECTION 11. It shall be the duty of every agent, before entering upon the duties of his office, to give a bond in two thousand dollars, with two sureties, residents of the county in which the agency is established, conditioned for a faithful discharge of all the duties enjoined upon him by the provisions of this law, and for the payment of all moneys received by him or payable by him for the use of the commonwealth; which bond shall be taken by and acknowledged before the recorder of deeds of the same county, and recorded in his office at the expense of said company or association; and certified copies thereof under the seal of the recorder, shall be as good evidence as the production of the original would be in any action brought against such agent or his sureties on such bond.

Agent to give bond, &c.

SECTION 12. That the fourth section of the act of sixteenth of March, one thousand eight hundred and forty-seven, entitled "An Act to cure a defect in the title to certain real estate; and relative to the real estate of John B. Mish, deceased; and the preservation of liens, and for other purposes," be and the same is hereby repealed, as fully and effectually as if such section had never been passed.

Fourth section of certain act relative to liens, repealed.

SECTION 13. That Samuel Woodburn, trustee of the Associate Presbyterian congregation in Cumberland county, adhering to the subordination of the Associate Presbytery of Pennsylvania, in the borough of Carlisle, be and he is hereby authorized to sell and convey for the best price that can be obtained for the same, such part or parts of three lots of ground situate in the borough of Carlisle, bounded by West street and South street, as is not necessary to the enjoyment and use of their church building, he paying the proceeds of such sale into the treasury of the said congregation; and said trustee shall have power to convey such lot or lots, in fee simple, to any purchaser or purchasers thereof, who shall be discharged from all obligation to see to the application of the purchase money: *Provided*, That before any sale or sales are effected under this section, the said trustee shall give adequate security, to be approved by the orphans' court of the said county of Cumberland, for the faithful discharge of the powers and duties hereby conferred.

Samuel Woodburn, trustee of the Associate Presbyterian congregation, Cumberland county, authorized to sell certain real estate.

Proviso.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. F. JOHNSTON,

Speaker of the Senate.

We do certify that the bill, entitled "An Act to authorize Amanda M. Richmond, of M'Kean county, the trustees of the Church of God in Fredericksburg, Lebanon county, and Thomas Heyl, junior, guardian, to sell certain real estate; empowering William H. Holstein, guardian, to draw and appropriate certain moneys; in relation to insurance companies, and the agencies of insurance companies not chartered by this state, and to liens in Lycoming and Clinton counties," was presented to the late governor, Francis R. Shunk, on the tenth day of

April, eighteen hundred and forty-eight, and was not returned within three days after the meeting of the present legislature; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if it had been signed.

Clerk of the House of Representatives.

SAM'L W. PEARSON,

Clerk of the Senate.

HARRISBURG, *January 24, 1849.*

No. 426.

A SUPPLEMENT

To an act erecting Henrysburg, in the county of Centre, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henrysburg, in the county of Centre, shall be and the same is hereby erected into a borough to be comprised within the limits and boundaries of the original plot or draft of said town, for the purpose of enabling the citizens of said town to lay a tax on all real and personal property within the limits aforesaid, to keep in repair the pipes which supply the said town with water, and for no other purpose whatever.

SECTION 2. That it shall be lawful for all taxable inhabitants, who have resided in the said borough three months previously to such election, to meet at the school house, or at such other place in said town as may be agreed upon by a majority of the citizens, on the second Wednesday of April in every year, and there elect by ballot, between the hours of twelve and six o'clock of same day, three respectable citizens residing therein, whose duty it shall be in each and every year to assess, levy and collect on all real property in said town, such amount of tax as may be necessary, and fifty cents on each single man over the age of twenty-one years; that those who have no real property shall be taxed on their personal property according to the county rates and levies, to keep in repair the pipes which supply the said town with water.

SECTION 3. That the said council shall have full power to issue their warrant, with a duplicate, to some person a citizen of said borough, requiring him to demand and receive of and from every person in said duplicate named, the sum wherewith such person stands charged, to be paid over by said collector to the treasurer; and if any person shall for thirty days from the time said tax is demanded of him, neglect or refuse to make payment, it shall be the duty of the said collector to levy the said tax by distress and sale of the goods and chattels of the said delinquent, giving ten days' public notice of such sale by written or printed advertisements.

Boundaries.

Tax.

Election.

Assess, levy and collect tax.

Power of council.

SECTION 4. The said council shall at their first meeting in each year appoint a treasurer, whose duty it shall be to receive the money collected and levied as aforesaid, and to pay out the same on orders drawn by the said council and signed by a majority of the board. Appoint treasurer.

SECTION 5. That the said council and treasurer before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before some justice of the peace, diligently, faithfully and impartially to perform the several duties enjoined on them by this act, without favor, affection, hatred, malice or ill will, to be filed within three weeks thereafter in the office of the nearest justice of said county. Council and treasurer to and subscribe an oath or affirmation.

SECTION 6. The said council shall have power to appoint a superintendent of the water pipes, whose compensation for repairs and superintendence shall be regulated by said council. Superintendent of water pipes.

SECTION 7. That the act approved November thirty, one thousand eight hundred and twenty-nine, erecting Rebersburg, in Centre county, into a borough, be and the same is hereby repealed. Certain act repealed.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 427.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the village of Youngsville, in Warren county," approved the tenth day of March, Anno Domini, one thousand eight hundred and forty-eight.

WHEREAS, The second and fourth sections of the act to which this is a supplement, provides for the election of two justices of the peace in and for said borough of Youngsville, on the first Tuesday of February, one thousand eight hundred and forty-nine:

And whereas, The township of Brokenstraw, out of which the said borough was incorporated, having at this time three justices of the peace duly elected and commissioned, and all of which reside within the bounds of the said borough; therefore in order to regulate properly the election of justices of the peace hereafter in the borough of Youngsville, and in the township of Brokenstraw— Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the borough of Youngsville shall be entitled to two justices of the peace and no more: Provided, That all the justices of the peace now within the said borough, shall con-* Justices. Proviso.

time to hold their commissions as though this act had not been passed, and that the election for justice under this act in said borough shall only be held when a vacancy in the proper number two (2) shall occur; and after a full organization of said borough and its officers, the township of Brokenstraw shall be entitled to one justice of the peace and no more.

Repeal.

SECTION 2. That so much of the second and fourth sections of the act to which this is a supplement, as are hereby altered or supplied, is hereby repealed.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 428.

AN ACT

Relative to the estate of the late Thomas Reeves, Jr., of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Eli K. Price, surviving executor of Thomas Reeves, junior, late of Philadelphia, deceased, be authorized to make sale of or let on ground rent, any or all of the real estate of said decedent, for the purpose of making the same productive, and for the more convenient division thereof, the purchase money or ground rents to be held or disposed of according to the legal rights of all parties interested; such sales or lettings on ground rent to be in fee, and by public or private sale as may best promote the interest of those interested, and without liability on the part of the purchasers to see to the application of the purchase money.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 429.

A N A C T

To incorporate the York gas company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Alexander Small, Daniel Hartman, William L. Roland, Charles Wei-
 ser, William Wagner, Edward G. Smyser, Peter M'Intyre, A. J. Glossbrenner, Thomas P. Potts, Emerson Case, Luke Rouse, John Evans, Thomas E. Cochran and Matthew Tyler, of York county, or any five of them, are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall procure a suitable book and therein enter as follows: "We whose names are hereunto subscribed do severally promise to pay to the York gas company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of the commonwealth of Pennsylvania, entitled 'An Act to incorporate the York gas company.' Witness our hands this _____ day of _____

Commissioners.

Duties.

Form of subscription.

one thousand eight hundred and _____;" and shall thereupon give notice in two newspapers published in the borough and county of York, for three weeks at least, of the time and place when and where the said book shall be kept open to receive subscriptions for the stock of the said company; at which time and place one or more of the said commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in said book in their own names, or in the names of any other persons who shall authorize the same, for shares in said stock; and the said books shall be kept open for the said purpose, at least six hours each juridical day for the space of five days, or until there shall have been subscribed four hundred shares; and if at the expiration of five days the book aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time and transfer the said book elsewhere, until the whole number of four hundred shares be subscribed; of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall have been subscribed, then the book shall be closed.

SECTION 2. When two hundred shares of the stock shall have been subscribed, and the sum of one dollar paid on each and every share, the commissioners who have acted, or a majority of such, shall certify to the governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, and the sums paid thereon, whereupon the governor shall, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers into a body politic and corporate in deed and in law, by the name _____ and style of "The York gas company;" and by the same name the the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere; and by the said name the said corporation shall have power and authority

Letters patent.

Privileges.

To hold and enjoy lands, &c.

to manufacture and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories and other places in the borough of York, and to purchase, have, hold, receive and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and all estate, real and personal or mixed, or of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew at pleasure; and also to ordain, establish and put in execution such by laws, regulations and ordinances as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation: *Provided*, That nothing herein contained shall be considered as in any way giving the said corporation any banking privileges whatsoever, or any other privileges, liberties or franchises, but such as may be necessary or incident to the making of gas and the distribution thereof, for the purposes of illumination in the borough of York: *Provided further*, That the said company shall at no time hold or possess any land for any other purpose than the construction thereon of the necessary works and offices of the said company.

Proviso.

Proviso.

Organization.

SECTION 3. The said named commissioners, or a majority of them, shall as soon as conveniently may be after the said letters patent shall have been obtained, give at least ten weeks' previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed, for the subscribers to meet in order to organize the said company and to choose by a majority of votes of the said subscribers by ballot, to be given in person or by proxy (which proxy shall have been obtained and bear date within four weeks previously to the election at which such proxy shall be presented,) duly authorized, one president and six managers; the president and managers aforesaid shall conduct the business of the said company until the third Monday in April, Anno Domini one thousand eight hundred and fifty, and until like officers are chosen, and may make such by-laws, rules, orders and regulations as are not inconsistent with the laws and constitution of this state and of the United States, and as may be necessary for the due management and ordering the affairs of the said company.

Officers.

Annual meeting of stockholders.

SECTION 4. The stockholders shall meet on the third Monday of April, Anno Domini one thousand eight hundred and fifty, and on the same day and month annually thereafter, at such place as may be fixed upon by the by-laws, of the time and place of which meeting notice shall be given at least two weeks previously in the newspapers aforesaid, and choose by ballot by a majority of votes present their officers for the ensuing year, as mentioned in the third section of this act, which officers so elected shall continue in office for one year, or until others are chosen; and the stockholders shall also meet at such other times, either upon the requisition of the managers or of any stockholders who own in the aggregate fifty shares, or they may be summoned to meet by the said managers or stockholders in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting they shall have full power and authority to make, alter or repeal by a majority of votes present in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled at all elections, and upon all questions submitted to

Votes.

any annual or special meeting of the said stockholders, shall be according to the number of shares he or she shall hold, as follows; that is to say, for each share of stock one vote; and no share shall confer a right of voting which shall not have been holden two calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his or her own right or in the right of his wife, or for his or her sole use and benefit as an executor, administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of said company unless he or she has fully paid one dollar on each share of stock by him or her subscribed, as directed by the second section of this act; and at all subsequent elections of said company no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An Act to regulate proxies."

Proviso.

SECTION 5. The election of officers provided for in the fourth section of this act shall be conducted in the following manner; that is to say, the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the said election and to conduct the same, who, before undertaking so to act, shall severally take and subscribe an oath or affirmation before a justice of the peace or alderman, well and truly according to law, to conduct such election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters; and when the election is closed, (which shall be and remain open at the office of the company, in the borough of York, from ten o'clock, A. M., until three o'clock, P. M.) shall count the votes, and the stockholders having the highest number of votes shall be declared duly elected; and if it shall at any time happen that an election of president or managers shall not be made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold and make such election of president or managers on the same day, or any other day thereafter, giving at least ten days' notice, signed by the president, in the newspapers before mentioned, of the time and place of holding such election; and they are required so to do at least once in every twenty days till the requisite officers are chosen; and the president and managers of the preceding year shall in that case continue to act, and be invested with all powers belonging to their respective stations until an election shall take place; in case of the death, resignation or removal from the state of any president, manager or other officer, his place shall be filled by the board of managers until the next annual election: *Provided*, That none but stockholders shall be eligible to be elected president or managers.

Elect officers.

Proviso.

SECTION 6. The president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, four of whom shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to buy land for the gas works and erect the same, to appoint all such architects, surveyors, chemists, superintendents, and other artists and officers as they shall deem necessary to construct and carry on the intended gas works, and to fix their salaries and wages, to enter into and execute contracts or covenants in

Quorum.

relation to the objects of said corporation, and to enforce the same, to ascertain the time, manner and proportions in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for money, which orders shall be signed by the president, or in his absence, by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, and matters and things as by this act and by laws and regulations of the company they are authorized to do.

Certificates.

SECTION 7. The president and managers first chosen shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the secretary, and sealed with the common seal of the said corporation, to each person for such share or shares as by him are subscribed and held; which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney duly authorized, in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose, subject, however, to all payments due or to become due thereon; and the assignee holding any certificate transferred as aforesaid, shall be a member of said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares as is therein mentioned of the capital stock, of all the estates and emoluments of the corporation incident to such share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Transferable.

Unpaid instalments, how collected, &c.

SECTION 8. If after twenty days' notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the works of the company, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and the additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sum or sums before paid in part and on account of such share or shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same; that in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; that in case of the transfer or assignment of any such share or shares on which default has been made as aforesaid, the president and managers of the said corporation may bring suit as aforesaid, either against the person who assigned or transferred the said share or shares, or the person to whom such transfer or assignment was made, for the recovery of any unpaid instalment, together with the penalty aforesaid.

Dividends.

SECTION 9. The managers shall declare dividends of so much of the net profits of the company as shall appear to them advisable, on the first Mondays of June and December every year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.

Powers.

SECTION 10. That the company shall have power and authority, and is hereby empowered and authorized to erect gas posts, burners and reflectors, or dig such trenches in, along and across the public streets,

lanes, alleys and side-walks in the borough of York, for the purpose of laying their pipes for the distribution of gas, as the said company may deem necessary: *Provided*, That the said company shall fill up said trenches and the said public roads, streets, lanes, alleys and side-walks to as good a condition as they were respectively in before the said trenches were dug, at the proper cost and expense of the said company.

SECTION 11. If any person or persons shall open a communication into the street gasmain, or other gas pipe of the said company, without authority from the inspector or other authorized agents of the said company, or shall let on the gas after it has been stopped by order of the said inspector or other authorized agent of the said company, for repairs or any other cause or purpose, or shall put up any pipes or burner in addition to the pipes or burners originally put up and inspected, and introduce the gas into them without authority as aforesaid, he, she or they shall be subject to a penalty of not less than ten nor more than fifty dollars for each and every such offence, to be recovered as debts of the like amount are recoverable in law, one-half to be paid to the informer and the other half to the said company.

Persons opening communication into the street, &c., without authority, how punished.

SECTION 12. If any person shall wilfully or maliciously do or cause to be done any act or acts whatever, whereby any building, construction or works of said company, or gas pipe, gas post, or burner, or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof indicted and convicted in the court of quarter sessions, shall be punished by fine, not exceeding one hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court: *Provided*, Such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of the corporation, in any court in this state having cognizance of the same.

Penalty for injuries.

Proviso.

SECTION 13. That the legislature hereby reserve the right to alter, amend or annul this act, whenever in their opinion it may become necessary for the public good: *Provided however*, That no injustice shall be done to the corporators.

Reservation.

Proviso.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The ninth day of February, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 430.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the Mutual fire insurance company of Lehigh county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of an act, entitled "An Act to incorporate the Mutual fire insurance company of Lehigh county," as confers all the rights and privileges conferred by an act, entitled "An Act to incorporate the Mutual fire insurance company of Bucks, Montgomery and Philadelphia counties," passed the tenth day of February, one thousand eight hundred and forty-three, be and the same is hereby repealed; and that all the rights and privileges conferred by an act, entitled "An Act to incorporate the Mutual fire insurance company of Montgomery county," passed the thirty-first day of March, one thousand eight hundred and forty-one, be and the same are hereby granted to and conferred on the Mutual fire insurance company of Lehigh county.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 431.

AN ACT

To incorporate Dickinson seminary at Williamsport.

Objects.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Dickinson seminary, at Williamsport, in the county of Lycoming, be and the same is hereby erected into a seminary for the education of youth in the arts, sciences and useful literature.

Government.

SECTION 2. The said seminary shall be under the management, direction and government of a number of trustees not exceeding twenty-one,

seven of whom shall be a quorum or board for the transaction of business. Quorum.

SECTION 3. The trustees of the said seminary shall consist of the following named persons until others are appointed, to wit: Reverend Thomas Bowman, reverend Samuel Brison, reverend George Guyer, John Smith, Robert Fleming, Charles Low, John W. Maynard, Robert Faries, Henry Hartman, David R. Showers, John Webb, George Hartman, George Crawford, John Toner, James Irwin, Moses Chamberlin, James Daugal, Jonathan Wolf, Thomas Wood, John Crawford and Charles B. Bowman, which said trustees and their successors to be appointed as hereinafter mentioned, shall and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "Dickinson seminary at Williamsport," by which name and title the said trustees and their successors shall be able and capable at law and in equity to take to themselves and their successors for the use of said seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever; and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise and to farm, let and place out on interest, or otherwise dispose of or invest for the use of the said seminary, in such manner as to the trustees, or a quorum of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the use of said seminary; and by the same name to sue, prosecute and defend, implead and be impleaded in any court or courts of law or equity, and in all manner of suits and actions whatsoever; and generally by and in the same name to do and transact all and every the business touching or concerning the premises, or which shall be incidently necessary thereto, as fully and effectually as any natural person or body politic or corporate have power to manage their own concerns. Trustees.
Style.
Privileges.

SECTION 4. The said trustees shall cause to be made for their use one common seal, with such device or devices and inscriptions thereon as they shall think proper, by and with which all deeds, certificates and acts of the said corporation shall be authenticated, and the same seal at pleasure break, alter or renew. Seal.

SECTION 5. The meetings of the trustees shall be held at such times as the acting president of the board shall appoint; and the said trustees shall have power and they are hereby authorized to make and enact by-laws and ordinances for the government of the said seminary, and to elect and appoint trustees to supply vacancies occasioned by death, resignation, refusal to serve or inability to act, of electing and appointing teachers of the said seminary, of agreeing with them for their salaries, and of removing them for misconduct, breaches of the by-laws or ordinances of the institution, or other causes which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a secretary, treasurer, and such other officers as shall be found necessary for managing the corporation, or providing for the punishment of all violations of the rules, regulations, by-laws or ordinances of the seminary, or other misconduct committed by the pupils or any of them, or other person or persons thereat; and generally at any meeting to determine all matters and things pertaining to the conduct of the business of the seminary, whether the same are herein particularly mentioned or not. Meeting of trustees.
Powers.

Powers of teachers.

SECTION 6. That the teachers of said seminary, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils.

Board of trustees, how appointed.

SECTION 7. That the board of trustees for said seminary shall be appointed annually by the presiding officer of the Baltimore conference of the Methodist Episcopal church, and two-thirds thereof shall be members of the Methodist Episcopal church, and one-third of other denominations of christians.

Principal, how appointed.

SECTION 8. That the said presiding officer of the Baltimore conference aforesaid, shall also appoint the principal of the said seminary, who shall be, ex officio, president of the board of trustees.

Misnomer.

SECTION 9. No misnomer of the said corporation shall defeat or annul any gift, grant, demise or bequest to or from said corporation.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 432.

A N A C T

To incorporate the Susquehanna and Clearfield County bridge company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William T. Thorp, Greenwood Bell, James Elder, David Bell and John P. Hoyt, of the county of Clearfield, be and they are hereby created commissioners authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least two weeks' notice thereof in a paper printed in Clearfield county, of the time and place when and where the subscriptions will be received; and at the time of subscribing for said stock two dollars shall be paid to the commissioners, or some one of them, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed, and the residue of said subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and managers of the company may direct.

Subscription.

Name.

SECTION 2. When thirty shares shall have been subscribed, the persons holding the same are hereby created and corporated into a company by the name and title of "The Susquehanna and Clearfield County bridge company;" and by that name those who have sub-

Privileges.

scribed, and those that may thereafter subscribe, shall have perpetual succession, with all privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge or fulfil the intent of this act; and of purchasing and holding, to them and their successors, in fee simple, any real or personal estate necessary for the erection of said bridge, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded in all courts of justice.

SECTION 3. That the capital stock of said company shall not exceed ten thousand dollars; and the capital stock of said company shall be divided into shares of ten dollars for each share, and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively, or by them subscribed at such period, and in such instalments as the directors of said company may order or determine. Capital stock.

SECTION 4. As soon as thirty shares of the said capital stock shall have been subscribed, it shall be the duty of the commissioners to give notice in one paper printed in Clearfield county, of the time and place of a meeting of the stockholders, who shall, on meeting, proceed to organize the said company, and shall choose, by ballot, in person or by proxy, one president, five directors, one treasurer, and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be appointed; and the said president and directors shall make such by-laws and regulations for the government of said company as they shall think necessary and proper, consistent with the laws of this commonwealth, for the well ordering of the affairs of said company, and fixing upon the site or location of said bridge, and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election; and the stockholders shall meet on the first Monday in January in every year, at such place as shall be fixed on by the president and directors, for the purpose of electing officers for the ensuing year. Organization.
Officers.

SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder, in person or attorney, subject to the payment of any balance that may be due thereon; and the assignee holding such certificate, having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock and of all the estate and emoluments of the company, in proportion to the number of shares by them held, to vote at the meetings thereof as aforesaid; and the president and directors shall meet at such times and places as shall be agreed on, for the transaction of business; at such meetings three members shall form a quorum for transacting business; they shall keep minutes of their transactions entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents and agents as they shall think necessary to construct a bridge across the West Branch of the Susquehanna river, about nine miles above Curwensville, at or near John P. Hoyt's mill, and to complete the same, and fix the salaries and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman and attested by the clerk, and Certificates of
stock.
Transferable.

Location.

do and transact all things by this act and the by-laws or regulations of the company that may be lawful.

May enter upon
lands, &c.

Damages, how
adjusted.

Proviso.

Accounts.

Tolls.

Proviso.

SECTION 6. It shall be lawful for the president and directors, their superintendents, engineers and workmen to enter on lands and enclosures near the place where the bridge is to be built, and to cut and carry off any timber, or dig gravel, quarry stone or gather sand necessary for building said bridge; also to enter thereon with wagons, carts, sleighs or beasts of burden or draft, and take and carry off any material necessary for the construction of said bridge, doing as little damage as possible, and afterwards making amends for any damage that may be done, which damage, if the parties cannot agree, shall be submitted to the decision of three disinterested freeholders chosen by the parties; and if the parties cannot agree on the men, or if either party on due notice shall neglect or refuse to join in the choice, then said freeholders shall on application be appointed by any justice of the peace within the county, not interested, who, after being sworn or affirmed, shall assess or praise the damage, and make report thereof to the justice of the peace who appointed them; and the said directors or other persons by them employed, after the tender of the appraised value to the owner, may enter, chop, dig, quarry, carry off any material necessary in the building or repairing said bridge: *Provided*, That either party shall have the right to appeal to the court of common pleas of said county from the award of the said assessors of damages: *And provided further*, That said company shall not take possession of or use any private property without first making compensation to the owner, or giving adequate security therefor.

SECTION 7. That the president and directors of the said company shall keep just and fair accounts of all the moneys received by them in any way under the provisions of this act, and also of all moneys by them expended, and all voluntary contributions to said company, and shall at least once a year, or whenever called on, submit their accounts to the inspection of any or all the stockholders.

SECTION 8. When a good and complete bridge is erected over the said West Branch of Susquehanna, at the place aforesaid, the company, their successors or assigns may demand and receive toll from travelers and others crossing the same, at the following rates: for every score of sheep four cents; for every score of hogs six and a fourth cents; for every score of horn cattle twelve and a half cents; and so on in this proportion for greater numbers; for every horse or mule laden or unladen, with rider, three cents; for every chair, chaise or sulkey with two wheels and one horse six and a fourth cents; the same with two horses nine cents; for every dearborn wagon with one horse six and a fourth cents; for every chaise, coach, phaeton, chair, stage, wagon, coachee or light wagon with four wheels and two horses, twelve and a half cents; for either of the last named carriages or vehicles with four horses eighteen and three-fourth cents; for every other carriage of pleasure under whatever name it may go, the like sums of toll according to the number of wheels or horses drawing the same, for every sled or sleigh three cents for each horse drawing the same, for every cart, wagon or other carriage of burthen, four cents for each horse drawing the same, and two oxen shall be rated as one horse or mule; for every foot passenger crossing the bridge one cent; and they shall cause to be put and kept up in some conspicuous place at the gates of said bridge, a list of the rates of toll: *And provided*, That the bridge shall be so constructed so as not to injure or obstruct in any manner the navigation of the Susquehanna river.

SECTION 9. That if any person shall wilfully cut, destroy or break, or remove from off said bridge or any part thereof, any piece of timber, stone, plank, chain, bolt or any materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending shall forfeit and pay for every such offence, over and above the damage done to said bridge, the sum of twenty dollars, to be recovered with costs in any court having jurisdiction thereof. Penalty for wilful injuries.

SECTION 10. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company, in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportion of said income as may by them be deemed necessary for a growing fund for repairing or rebuilding said bridge, and shall on the first Monday of January in each year, publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividends of profits shall be declared until all the expense of building and constructing said bridge shall be fully paid. Dividends.

SECTION 11. Said company shall commence the construction of said bridge within two years from the passage of this act, and complete the same within six, or therein the privileges hereby granted shall revert to the commonwealth. Commencement and completion of road.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The third day of March, Anno Domini, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 433.

AN ACT

To incorporate the Chartiers coal company, in the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That James Dunlop and Zeri W. Remington, of the county of Allegheny, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of "The Chartiers coal company," for the purpose of mining of coal, and for transacting the usual business of companies engaged in the mining, Corporators.

Privileges.	transporting to market, and selling of coal and the other products of coal mines; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of the United States and of this commonwealth, and generally to do and execute for the well being of the said company, whatever shall lawfully pertain to such bodies politic: <i>Provided</i> , That nothing herein contained shall be considered as in any way giving to said company banking privileges; but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: <i>And provided</i> , That each stockholder shall be liable in his individual capacity, for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholder, so that the subscribed stock of the said company, whether paid in or not, shall be liable for said debts and contracts.
Seal.	
By-laws.	
Proviso.	
Proviso.	SECTION 2. The said company shall have the right to hold either by purchase or lease, not exceeding one thousand acres of land at any one time, upon and near the waters of Chartiers creek, in the county of Allegheny, in the commonwealth of Pennsylvania, and the same or any part thereof to sell or otherwise dispose of as the interest of the company may require: <i>Provided</i> , That the said company may hold as above two lots of land not exceeding five acres each, as may be found convenient as places of deposit in the transportation and sale of the products of their mines.
Hold lands, &c.	
Proviso.	
Capital stock.	
Transferable.	SECTION 3. The capital stock of said company shall not exceed two hundred thousand dollars, in ten thousand shares of twenty dollars each, which capital shall only be employed in purchasing and holding the lands aforesaid, with the improvements, buildings, railroad cars, boats, engines and machinery as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite for the aforesaid purposes of the company; and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.
Letters patent.	
Proviso.	
Affairs of company, how managed.	
	SECTION 4. When the above named James Dunlop and Zeri W. Remington shall have procured the subscription of fifty thousand dollars, and the payment of ten thousand dollars into the hands of such persons as they may designate for the benefit of said company, the governor on due evidence thereof, shall by letters patent under his hand and the seal of the state, create and erect the said James Dunlop and Zeri W. Remington and their associates, successors and assigns into one body corporate, by the name, style and title of "The Chartiers coal company:" <i>Provided</i> , That the said company shall pay to the state treasurer for the use of the commonwealth, one per cent. upon the said sum of fifty thousand dollars, to be paid in four equal annual instalments, the first to become due and payable on the first Monday in July, one thousand eight hundred and fifty, and the remaining three instalments at intervals of twelve months each; and upon any and all increase of capital which said company under the provisions of this act may order and direct, the said company shall also pay one per centum in a ratio corresponding with the foregoing provisions: <i>And provided further</i> , That this act of incorporation shall continue and be in force for the term of twenty years.
	SECTION 5. The affairs of the company shall be managed by five directors, to be chosen annually from the stockholders: the first election shall be held in the city of Pittsburg within thirty days after letters

patent aforesaid shall have been issued; of which election public notice shall be given by the corporators named in the first section of this act, at least two weeks previously thereto, in two or more daily newspapers printed in the city of Pittsburg; and the subsequent elections shall be held annually at such convenient time and place as the directors shall determine, of which thirty days' previous notice shall in like manner be given by the president of the company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office until such election shall be held; and it shall be lawful on any other day as soon as may be, to hold the same in such manner as may be regulated by the by-laws and ordinances of the said corporation: *And provided further*, In case of death, resignation or removal from the state of any president, manager, treasurer or other officer, his place shall be filled by the board of managers until the next annual election.

Elections.

Proviso.

Proviso.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholders in the proportion following; that is to say, for each share and not exceeding two shares, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every ten shares above thirty, and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote: no share shall confer a right of voting which shall have been transferred within three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears in his own right or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act of twenty-eight March, one thousand eight hundred and twenty.

Votes.

SECTION 7. The directors shall as soon as convenient after their election, choose one of their number as president to serve for one year: they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election: at all meetings of the board, three directors shall form a quorum to transact business.

Directors.

Power.

SECTION 8. The directors may from time to time call in, on thirty days' notice thereof in at least two daily papers in the city of Pittsburg, and one daily paper each in the cities of New York, Philadelphia and Boston, (should stock be held by individuals in the three last named cities,) such instalments on the stock of the company as they may judge best, not exceeding twenty per cent. thereof at any one time; and if any stockholder shall neglect to pay at the time and place appointed any instalment on his stock so called for the space of thirty days after the period so designated for the payment thereof, the said stock and the amount previously paid thereon may be declared by the directors forfeited to the company, and disposed of as they shall prescribe.

May call in instalments.

Forfeiture of stock.

SECTION 9. Dividends of so much of the profits of the company as shall appear to the directors advisable shall be declared twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days after having been declared; but said dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never hereby be impaired; and if any dividend shall be declared which shall

Dividends.

impair the capital stock of said company, the directors consenting thereto shall be liable, in their individual capacities to the said company, for the amount of the stock so divided; and each director present when such dividend shall be declared, shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That all dividends over twelve per centum per annum shall be deemed due to the commonwealth, and shall be paid to the state treasurer.

Proviso.

SECTION 10. Any legal process served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

Service of process.

Location.

SECTION 11. The company hereby incorporated shall have power to construct a railroad with one or more tracks from any point or points on their lands, so as to connect their improvements and mines with the Ohio river at such place as they may deem most convenient: *Provided*, That in the construction of said railroad the company shall be governed, empowered and restricted as is provided in the act, entitled "An Act regulating railroad companies," approved the twentieth day of February, one thousand eight hundred and forty-nine.

Reservation.

SECTION 12. That the legislature reserves the right to revoke, alter, annul the charter hereby granted, at any time the said company shall misuse or abuse any of the privileges hereby granted.

Commencement and completion of road.

SECTION 13. That if said company shall not commence the construction of their railroad within three years, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 434.

AN ACT

Incorporating the Citizens' insurance company of the city of Pittsburg, in the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That there shall be and is hereby established at the city of Pittsburg, in the county of Allegheny, an insurance company with a capital of two hun-*

dred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid by individuals, companies or corporations in the manner hereinafter specified, which stockholders and subscribers, and their successors shall be and are hereby created a body corporate ^{Incorporate.} and politic, by the name and style of the "Citizens' insurance com-Style. pany," and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being im-Privileges. pleaded in all courts and places, and in all matters whatsoever, with full power and authority to hold, possess, use, occupy and enjoy all such real estate as shall be necessary or convenient for the transaction of its business, or which may be conveyed to said company for security, or in payment of any debt that may become due or owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor, and the same real estate to sell, convey and dispose of; and said corporation may have and use a common seal, and the same may change, break, alter or renew at pleasure; and also may make, ordain, establish and put in execution such by-laws, ordinances, rules and regulations as shall be necessary for the government of said company, and for the prudent and efficient management of its affairs: *Provided*, The same be not contrary to the constitution ^{Proviso.} and laws of this state, or of the United States.

SECTION 2. That the corporation hereby created shall have power and lawful authority to insure all kinds of property against loss or damage ^{Powers.} by fire, or any other cause or risk, to make all kinds of insurance against loss or damage of goods, merchandize or other property in the course of transportation by land, water or otherwise, and on any vessels, boats or other water craft wherever they may be; to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss, damage or risk in the course of their business, and generally to do and perform all other matters and things connected with and proper to promote their objects.

SECTION 3. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debt created, or to be created by or under any laws of this or any other state, or of the United States, and the same to sell, transfer or exchange at pleasure, and again to invest the same or any part thereof, in such stocks or funds or otherwise, whenever and as often as said company may deem it expedient, or they may loan the same to individuals or corporations on real or personal security, or deposit the same with any banking or saving institution, with or without interest, for such time, on such terms and under such restrictions as the directors of said company for the time being, shall deem most expedient. ^{May invest any part of capital stock, &c.}

SECTION 4. That the real and personal estate, business, property, funds and prudential concerns of said company, and the administration ^{Board of directors.} of its affairs, shall be under the direction, management and control of a board of nine directors, who shall be stockholders and reside in the county of Allegheny, and after the first election they shall be elected ^{Annual election.} by the stockholders on the third Monday of December annually, at such hour and place within the city of Pittsburg as the directors for the time being shall appoint, of which ten days' notice, in at least one newspaper published in the said city, shall have been given, and they shall hold their office for one year or until their successors shall have been chosen; the election shall be by ballot, and a majority of all the votes shall be necessary to a choice, which votes shall be received and counted in public by and under the direction of three stockholders not directors at the time, to be previously designated by the board of directors for that purpose; and at every such election, and all meetings

of the stockholders held in pursuance of the provisions of this act, each share shall be entitled to one vote; and after the first election no share shall entitle the holder thereof to a vote unless the same shall have been held by him for at least three calendar months previous to the day of election; all stockholders absent from any meeting may vote by proxy, such proxy being a stockholder and present at the time of voting; and in case it should by any means happen that an election should not be held on any day required by the provisions of this act, the said corporation shall not for such cause be deemed to be dissolved, but it shall be lawful for said company to hold an election on any other day in such manner as they may provide by by-laws or ordinances.

Officers.

SECTION 5. That the directors chosen under the provisions of this act shall, as soon as may be after the first election and after every annual election, elect from their own body a president who shall preside in the board until the next annual election, and in case of his death, resignation or otherwise failing to perform the duty, the board shall appoint a president pro tempore; they shall fill all vacancies that may occur in their own body during the time for which they shall have been elected; and shall appoint a secretary and all subordinate officers, clerks and agents of said corporation, define their powers and prescribe their duties, who shall hold their several appointments during the pleasure of the board; they shall make such by-laws, rules and regulations for the government of themselves and their officers and agents in the management of the affairs of the corporation, as to them shall seem needful and proper, not inconsistent with the laws of this state and the by-laws of the stockholders adopted at any regular meeting; they shall hold stated meetings as often as once in every month, on such day of the month, and at such hour of the day as they from time to time shall appoint, and at such other times as the president for the time being shall direct; a majority of all the directors shall constitute a board for the transaction of business, and all questions before the board shall be decided viva voce by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any question submitted, and entered of record in the journal of their proceedings.

By-laws.

Policies.

SECTION 6. That all policies or contracts of insurance which may be made or entered into by said corporation shall be subscribed by the president, or such other officer as shall be designated for that purpose by its by laws, and attested by the secretary, and being so signed and attested shall be binding and obligatory on said corporation without the seal thereof, according to the true intent and meaning of such policy or contracts; and the secretary shall at every annual election or other general meeting of the stockholders, lay before them a correct statement of the condition and affairs of said company.

Transferable.

SECTION 7. That the stock of said company shall be assignable and transferable on the books of the same or otherwise according to such rules and by-laws, and subject to such restrictions and limitations as the stockholders at a general and regular meeting may from time to time adopt and establish.

SECTION 8. That the board of directors, or any number of stockholders being the owners of at least two hundred and fifty shares, may at any time call a general meeting of the stockholders on any business interesting to the company, by giving at least one week's notice in a daily, or two weeks' notice in a weekly paper published in Pittsburg, of the time and place and object of such meeting.

SECTION 9. That William Larimer, junior, Robert Woods, William B. M'Clure, Joseph Plummer, Samuel H. Kier, Josiah King, John Sheriff, Alexander Roseburgh and H. D. King, of Allegheny county, or

any six of them, be and they are hereby authorized, after giving six months' public notice in two daily newspapers published in the city of Pittsburg, to open books at some convenient place in the city of Pittsburg, for the subscription of the capital stock of said company, on the first Monday in November next, and keep them open every day, (Sundays excepted,) between the hours of nine o'clock in the morning and four in the afternoon, for ten days, or until at least six hundred shares of stock shall be subscribed for, after which time it shall be lawful for the subscribers to meet, by giving at least five days' notice of the time and place, in at least two daily newspapers of the city of Pittsburg, and choose the first board of directors, who shall continue in office until the next annual election: *Provided*, That on the first day of subscribing for stock, no person, company or corporation shall subscribe for more than ten shares of said stock; on the second day for more than twenty shares: *And provided also*, That the aggregate amount that may be subscribed at the first opening of the books provided for in this section, by any person, company or corporation, shall not exceed one hundred shares.

Subscriptions.

Proviso.

SECTION 10. That if, when the books shall have been so kept open for ten days, six hundred shares of stock shall not have been subscribed, the said commissioners may, on any subsequent day, re open said books and keep them open until six hundred shares shall have been subscribed, ten days' notice of said re-opening having first been given in at least one daily paper published in Pittsburg.

Re-open books.

SECTION 11. That the payment of said stock shall be made by the subscribers respectively, at such times and in such manner as the stockholders at any general meeting, or the directors for the time being shall require: *Provided*, That at least five dollars shall be paid on each share at the time of subscribing: *Provided also*, That before the company shall make any contract or policy of insurance, there shall be paid or satisfactorily secured to be paid, in money on demand, endorsed notes, mortgages on real estate, hypothecated stock, not of said company, or other property, including the amount paid at subscribing, not less than fifty thousand dollars; which amount, and all balances that remain unpaid of the capital stock, shall be subject to the call of, and disposable by the directors, as the exigencies or interest of the company may require.

Payment of stock.

Proviso.

Proviso.

SECTION 12. That if any subscriber or stockholder shall neglect or refuse to pay any instalment of stock when called for by the board of directors, they may, after ten days' public notice thereof, sell at auction so much of the property pledged or given in security for the payment of said stock, or so many of the shares of such delinquent stockholders as shall be necessary to pay such instalment or instalments, and the expense of sale and transfer, or convey the same by deed or otherwise to the purchaser; or they may recover the same by suit in their corporate name, against such delinquent without delay or stay of execution: *Provided*, That if any shares of the capital stock shall be sold in manner aforesaid, the purchaser, before any assignment thereof, shall pay or cause to be paid in manner aforesaid, any balance which shall be due thereon: this act shall be taken and received in all courts and elsewhere as a public act, and shall continue in force twenty years: the legislature reserves the power to alter, revoke or annul the same, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators.

Unpaid instalments.

Proviso.

SECTION 13. That the aforesaid Citizens' insurance company of Pittsburg, in the city of Pittsburg, and county of Allegheny, shall have

Further powers.

power, and it is hereby in them vested, to have power and authority to insure and take risk or risks on human life in the usual manner of taking risks of that kind: *Provided*, That a greater amount than three thousand dollars never shall taken on one person; and said company to have power to regulate the price of risks according to age and location: *And provided always*, That nothing herein contained shall be so construed or enacted contrary to the laws of the United States or the constitution or laws of this commonwealth.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 435.

AN ACT

To incorporate the Washington hose company of the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all and every the persons who shall at the time of the passing of this act, be members of the association called the Washington hose company, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of "The Washington hose company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided*, That the clear yearly value or income of the necessary houses, lands and tenements, rents, annuities or other hereditaments, and real estate of the said corporation, and the interest of money by it lent, shall not exceed the sum of four thousand dollars; and also to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of

Style.

Privileges.

Proviso.

Seal.

By-laws.

the said corporation, and the due management and ordering of the affairs thereof.

SECTION 2. That the objects of the said corporation shall be the promotion of the public good by the extinguishment of fires.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The twelfth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 436.

A FURTHER SUPPLEMENT

To an act to incorporate the Little Schuylkill and Susquehanna railroad company, and to change the name thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That it shall be lawful for the president and managers of the Little Schuylkill and Susquehanna railroad company, with the consent of a majority of the stockholders thereof, to be first obtained at a meeting to be convened for that purpose, by order of said president and managers upon thirty days' notice published in a newspaper printed in the county of Columbia, and in the city of Philadelphia, stating the object of said meeting, to create, issue and dispose of a sufficient amount of stocks or bonds on such terms and at such prices as the said stockholders may direct, to enable the said company to complete their said road to Williamsport, in the county of Lycoming, or any part thereof; which stock when so issued shall be deemed and taken as preferred stock, if the stockholders shall have so directed, and upon which there shall be first paid such interest or dividends as shall have been authorized and directed by the meeting authorizing the issue of the same, if the profits or net earnings of said company for the current year shall be sufficient for that purpose, and so in proportion of said profits or net earnings before any dividend shall be paid on the other stock of said company: *Provided*, That none of the money arising from the sale or disposal of the said stock or bonds which may be issued under this act, shall be appropriated to any other use or purpose whatever than the completion of said road or some portion thereof.

May create, issue and dispose of stock, &c., to complete their road.

Proviso.

SECTION 2. That it shall be lawful for the said railroad company to receive from the trustees under any devise or bequest in the last will and testament of Stephen Girard, deceased, such lease or demise of any land or lands containing fossil coal, or if the privilege of taking such coal on such conditions, under such rents or reservations, and for term

May receive lands by devise, &c.

or terms renewable or otherwise, but not to continue in the whole beyond twenty years from the commencement of such lease as such trustees may see proper to grant, and to hold and enjoy the same for such term or terms and under and subject to such conditions and limitations as aforesaid, with the same effect as if such lease or demise had been authorized by the trusts in the said last will and testament expressed and contained: *Provided*, That the authority hereby granted shall not be so construed as to allow the aforesaid company the privilege of mining coal in the lands before mentioned.

Privilege.

SECTION 3. That this company shall hereafter be known by the name of "The Catawissa, Williamsport and Erie railroad company," and by that name shall possess and enjoy all the rights and privileges, and be subject to all the restrictions and limitations imposed by any laws relating to the said Little Schuylkill and Susquehanna railroad company.

Name.

SECTION 4. That for securing the due payment of any sums of money and the interest thereon, which the president and managers of the said company may borrow, or raise by the sale of bonds or preferred stock, as provided for in the first section of this act, it shall and may be lawful for the said company to pledge or hypothecate by way of mortgage, trust or otherwise howsoever the aforementioned railroad, with all its privileges, appendages and appurtenances, and all the property and chartered rights of said company; and such pledge, hypothecation, mortgage or trust shall be valid for the due payment of any sum or sums of money, with the interest thereof, which the same may be given to secure; and in case default shall be made in the payment of any sum or sums of money so borrowed as aforesaid, or the interest thereof, the person or persons, body politic or corporate, or their legal representatives or assigns claiming under such pledge, hypothecation, mortgage or trust, may by due process of law acquire and have and hold, use and enjoy the said railroad with its appendages and appurtenances, and the property of the said company, and take and receive the tolls, rents, issues and profits thereof, during the whole residue of the term for which the said company is chartered and incorporated, in as full and ample a manner as the stockholders of the said company could or might have used and enjoyed the same.

Borrow money,
&c.

SECTION 5. That the said company shall be allowed until the thirty-first day of December, one thousand eight hundred and fifty-five, to complete the said railroad to Williamsport, in the county of Lycoming.

Time of completion.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 437.

AN ACT

To incorporate the Richmond ferry company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That William F. Emlen, J. Dickinson Sergeant, John Lambert, Samuel Townsend, John Carter and Job Kimsey, and all other persons who shall hereafter become associated with them for the purposes hereinafter mentioned, shall be and they are hereby created and declared a body politic and corporate, by the name, style and title of "The Richmond ferry company;" and they and their successors and assigns by the name aforesaid shall and may have continual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors lands, tenements and hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same to sell, grant, alien, demise, mortgage, pledge or dispose of; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution by-laws, ordinances and regulations as shall be necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States, of this commonwealth, or of the state of New Jersey; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof.

Corporators.

Style.

Privileges.

SECTION 2. The capital stock of the said company shall not exceed two thousand shares, of twenty-five dollars each, to be employed by the president and directors to be chosen as hereinafter provided, for the construction and establishment of a ferry boat or boats by steam or otherwise, or other mode of conveyance of equal facility, to ply on and across the river Delaware from a point at or near the foot of Tioga street, as laid down in the plans of the district of Richmond, in the county of Philadelphia, in this commonwealth, to some suitable point or points on the opposite shore, in the state of New Jersey, for the conveyance of persons, carriages, horses, cattle and all other things usually conveyed by ferry boats.

Capital stock.

SECTION 3. The subscription for the said capital stock and the payments thereon, shall be taken under the direction of the said William F. Emlen, J. Dickinson Sergeant, John Lambert, Samuel Townsend, John Carter and Job Kimsey, or any two of them, and that as soon as five hundred shares are subscribed for, the said William F. Emlen, J. Dickinson Sergeant, John Lambert, Samuel Townsend, John Carter, and Job Kimsey, or any two of them, shall call a meeting of the subscribers in the said district of Richmond, giving at least ten days' notice of the time and place of such meeting, by advertisement in two daily newspapers published in the city of Philadelphia; and the subscribers assembled in pursuance of such notice, shall choose by ballot from among themselves, by a majority of the voters present, in person or by

Organization.

Officers.

Annual elections.

proxy, each share of stock being entitled to one vote, a president, five directors and a treasurer, whose respective duties shall be laid down in the by-laws, which the said company are hereinbefore authorized to make, who shall continue in office until the first Monday in May, then next ensuing, on which day and on the first Monday in May annually thereafter, a like election shall be held; and it shall be the duty of the president to give twenty days' notice to the stockholders, by publication in at least one daily newspaper published in the city of Philadelphia, of the said annual meeting for the election of officers and directors; and if at any of the said meetings, the stockholders shall fail to elect officers and directors as hereinbefore prescribed, the officers and directors elected to serve the previous year, shall continue in office with the same powers and authorities as if re-elected for one year at the meeting in which such failure occurred, and in case of the death, resignation, disqualification or removal of the president, or any director or treasurer, the remaining directors shall have power to fill such vacancy for the remainder of the term.

Five stockholders
may call meeting
of company.

SECTION 4. Any five stockholders shall have the power of calling a meeting of the company, by the publication of a notice to that effect, for twenty days previous to the day appointed for such meeting, in one daily newspaper of the city of Philadelphia.

Tolls.

SECTION 5. The said corporation shall receive from persons passing over said ferry, such tolls as is customarily paid at other ferries of the like nature on the Delaware river, and in case of default of payment of such toll, the said corporation is hereby authorized to ask, demand, sue for, recover and receive all sums of money due to them by way of ferriage.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 438.

AN ACT

To authorize the guardian of the minor children of David B. Jenks, deceased, to sell real estate; authorizing the executors of Joseph Kiosbury to sell real estate; and to authorize Ann Murray to improve certain real estate in the county of Philadelphia.

Guardians of minor
children of
David B. Jenks,
deceased, author-
ized to sell real
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases in which it shall be made appear to the orphans' court that the whole or any part of the real estate which was of David B. Jenks, late of the borough of Brookville, in Jefferson county, deceased, is in*

such a state of dilapidation and decay, or so unproductive and expensive that it would be the interest and for the benefit of the minor children of said decedent, in the judgment of said court, that the same should be sold, then, and in every such case, the orphans' court of the county where said estate lies, shall allow the guardian or guardians of said minor children to make public or private sale thereof, as to the guardian or guardians may seem best, and to make title thereof to the purchaser for such estate and interest as the said minors hath therein: *Provided* Proviso. *always*, That before the said court shall approve of such sale, the guardian or guardians shall file in the office of the clerk of said court a bond with sufficient security, to be approved of by the court, conditioned for the faithful appropriation of the proceeds of such sale for the use of said minor or minors.

SECTION 2. The guardian or guardians of the minor children of David B. Jenks, deceased, aforesaid, are hereby authorized and empowered to compound with the widow of said deceased, for her right of dower in such real estate of said decedent, as said guardian or guardians may be authorized to sell in accordance with the provisions of section first of this act, which composition deed, when filed of record in the orphans' court of the county in which such real estate is situate, shall be a full bar to the right of dower of the said widow in such real estate so sold as aforesaid.

Said guardian empowered to compound with widow for dower.

SECTION 3. *And be it further enacted*, That the executors of Joseph Kingsbury, late of Bradford county, and the survivors of them, are hereby authorized and empowered to execute and deliver all such deeds and conveyances as may be necessary for the purpose of fulfilling all such contracts for the sale of any lands as may have been entered into by him in his lifetime with any person or persons whatsoever, and all such deeds and conveyances shall have the same force and effect as if the said Joseph Kingsbury had by his last will empowered his said executors to execute the same, or as if an order had been made by the orphans' court in each case authorizing and directing the said executors to make such deeds and conveyances; and further, that in all sales directed to be made by the said will of any lands, the said executors, or the survivors of them, shall have the same power to make the same and the deeds to the purchasers thereof, as if it had been expressly given by the said will.

Executors of J. Kingsbury to execute and deliver deed in certain cases.

SECTION 4. That it shall and may be lawful for Ann Murray, administratrix of Patrick Murray, late of the county of Philadelphia, deceased, to erect on that portion of a lot of which the said intestate died seized, which fronts on Jefferson and Cadwalader streets, in the district of Kensington, in the county of Philadelphia, suitable buildings for dwellings, and to defray the expenses of erecting the same out of the personal property of the said intestate; the said Ann Murray to keep an account of the expenses of erecting such buildings, and to submit the same, accompanied with proper vouchers, to the orphans' court of the county of Philadelphia for examination: *Provided*, That before this section shall take effect, the said Ann Murray shall give security, to be approved by the said court, for the faithful execution of the power and authority herein granted.

Administratrix of Patrick Murray authorized to erect dwellings, &c.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSE,

Speaker of the Senate.

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 439.

AN ACT

To incorporate the Pittsburg and Steubenville railroad company.

Commissioners.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That Samuel Livingston, Robert Patterson, Thomas Hunter, John Duncan, Jr., William Mercer, J. M'Farren, James Wallace, Thomas Nicholson, Thomas Berrington, Edward M'Donald, Andrew Bigger, B. A. Merry, William Rogers, William Sturgeon, Joseph Scott, A. R. Lewis, Isaac Walker, Jr., be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Pittsburg and Steubenville railroad company," with power to construct a railroad commencing on the Monongahela river, near Pittsburg, and running in the direction of Steubenville, on the Ohio river, to a point on the Virginia state line, subject to all the provisions and restrictions of an act regulating railroad companies, approved the nineteenth day of February, one thousand eight hundred and forty-nine.
Style.	
Subject to provisions of certain act.	
Capital stock.	SECTION 2. That the capital stock of said company shall consist of sixteen thousand shares: <i>Provided,</i> That the said company may from time to time, by a vote of the stockholders at a meeting called for the purpose, increase their capital stock, if it shall be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act.
Commencement and completion of road.	SECTION 3. That if said company shall not commence the construction of said road within three years, complete it in eight years from the organization of the company, this act shall be null and void, except so far as the same may be necessary to settle up the affairs and pay the debts of said company.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 440.

A N A C T

To confer upon Michael Stetler, Matilda Carter, Henry Clay West, Oliver Wambold, Sarah Barris, Catharine Cole, Mary Ann Hertzler and Catharine M'Vey, the rights and privileges of children born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Michael Stetler, of Montgomery county, he and he is hereby declared to be a legitimate child and lawful heir of Israel Essig and Ann, his wife, as fully and effectually in all respects as if he had been born in lawful wedlock between the said Israel Essig and the said Ann, his wife.

Michael Stetler
legitimated.

SECTION 2. That Matilda Carter, of the city of Philadelphia, and commonwealth of Pennsylvania, daughter of Ann Carter, of the state of New Jersey, shall have and enjoy all the rights, privileges, benefits and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely to all intents and purposes as if she had been born in lawful wedlock.

Matilda Carter
legitimated.

SECTION 3. That Henry Clay West, son of Harrison West, of Venango township, Crawford county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

Henry Clay
West legitimated.

SECTION 4. That Oliver Wambold, son of Henry Wambold, late of Rockhill township, Bucks county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

Oliver Wambold
legitimated.

SECTION 5. That henceforth the name of Sarah Barris, an adopted daughter of James Jones, of Butler county, shall be Sarah Jones, in which name she shall be competent to sue and be sued, and to transact business; and she is hereby invested with all the legal rights of a legitimate daughter of said James Jones.

Sarah Barris,
name changed
and legitimated.

SECTION 6. That Catharine Cole, daughter of Samuel Cole, of Monroe township, Bradford county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable to inherit and transmit any estate whatsoever, as fully and effectually as if she had been born in lawful wedlock.

Catharine Cole
legitimated.

SECTION 7. That Mary Ann Hertzler, of Manor township, in the county of Lancaster, daughter of Mary Hershey, who, after the birth of said Mary Ann, was legally intermarried to John Hertzler, the father of said Mary Ann, shall have and enjoy all the privileges and rights of a child born in lawful wedlock, and that she shall be able and capable in law to take, hold, inherit and possess and transmit all and every estate, real and personal of whatever kind or nature, as fully and effectually to all intents and purposes as if she had been born in lawful wedlock.

Mary Ann Hertzler
legitimated.

SECTION 8. That Catharine M'Vey, of Mifflin county, shall have and enjoy all the rights and privileges of a person born in lawful wed-

lock, and shall be able and capable in law to inherit and transmit any estate or property whatsoever, as fully and effectually as if she had been born in lawful wedlock.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 441.

AN ACT

To extend and continue the charter of the Bank of Chambersburg.

Bank of Cham-
bersburg, charter
extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Bank of Chambersburg shall be and the same is hereby extended and continued for the purpose of transacting the business of banking, at its present location, for the term of fifteen years from the expiration of the present charter, with the capital stock as at present fixed by law, subject to the provisions imposed by this act and to the provisions now imposed upon the said bank by existing laws of this commonwealth, and to such further provisions as the legislature may hereafter enact for the general regulation of banks in this commonwealth.

Total liabilities
not to exceed
three times
amount of stock
paid in.

SECTION 2. The total liabilities of the said bank, exclusive of capital stock, shall not at any time exceed three times the amount of its capital stock paid in, nor shall the debts of every kind due and to become due to the said bank ever amount to more than four times its capital stock paid in; and the said bank shall neither loan or discount when its circulation shall be equal for thirty consecutive days to three times the amount of specie and notes of specie paying banks in its possession belonging to said bank, and any balances standing to the credit thereof in specie paying banks, convertible into specie at the pleasure of the said bank.

Auditor general
may require
statement.

SECTION 3. The auditor general may at any time require the cashier of the said bank to state and return on his oath the amount of the circulation of said bank for any consecutive period of thirty days which he may designate, and also for the same period the amount of specie and notes of specie paying banks in its possession belonging to the said bank, and the balance standing to its credit in specie paying banks convertible into specie at the pleasure of the bank, and also the whole amount of its liabilities and debts due and to become due; and if upon

the return so made it shall appear that any of the provisions of the second section of this act have been violated for the said period of thirty days so designated by the auditor general, he shall give notice thereof to the governor, who shall thereupon issue his proclamation declaring the charter of the said bank to be forfeited.

SECTION 4. If the charter of the said bank shall be forfeited in manner provided in the preceding section, after proclamation made by the governor, then the directors of said bank shall forthwith make and execute an assignment in the manner provided in the act of the twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments, and for other purposes," and it shall thereupon be proceeded in the manner provided in that act; if the directors of the said bank should neglect or refuse to make the assignment provided for in this act, they shall be guilty of a misdemeanor, and upon conviction in any criminal court in the commonwealth, be imprisoned in the jail of the proper county for any period not exceeding two years, in the discretion of the court.

SECTION 5. If any president, cashier or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence, shall be fined in any amount not less than the sum so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries, as the case may be, to be kept in separate and solitary confinement at labor for any term not exceeding five years: *Provided*, That this shall not prevent any person or persons aggrieved from pursuing his or their civil remedy against such person or persons.

SECTION 6. It shall be the duty of the auditor general to require the said bank, on some discount day to be designated by him in every quarter of the then current year, one of which shall be in the month of November, to make and return to him the exhibits hereinafter provided for, which exhibits the auditor general shall prepare in tabular form and communicate the same to both branches of the legislature within ten days after their meeting: *Provided*, That the first section of the act approved the first April, one thousand eight hundred and thirty-six, entitled "An Act requiring the banks of this commonwealth to make quarterly statements to the auditor general," shall not be made applicable to this bank.

SECTION 7. It shall be the duty of the cashier of the said bank for the time being, to prepare upon the requisition of the auditor general, a just and full exhibit of the affairs and condition of the said bank, on at least four different discount days of the then current year, to be designated by the auditor general, one of which shall be in the month of November, so as to exhibit the entire amount of the assets of the bank and every item thereof, under separate heads; and also the entire amount of the indebtedness and liabilities of the said bank and every item thereof, under separate heads, setting forth on the one side particularly so as to give a full and proper view of all the assets belonging to the said bank: first, the amount of gold and silver in the vaults of the bank; the amount of current notes, checks and bills of other banks; the amount of uncurrent notes, checks and bills of other banks; the amount of any other obligations of other banks; the amount of bills and notes discounted; the amount of the mortgages of the bank, and the assessed value for the preceding year of the real estate bound by such mortgages; the amount of prior mortgages, judgments and other liens; the amount of judgments held by the bank, and the assessed value for the preceding

In case of forfeiture of charter assignment to be made.

Embezzlement, how punished.

Proviso.

Duty of auditor general.

Proviso.

Exhibit of the condition to be made out by cashier, upon requisition of auditor general.

Exhibit.

year of the real estate bound by such judgments; the amount of prior judgments, mortgages and other liens; the amount of the real estate held and owned by the bank, and the assessed value for the preceding year of each separate piece or parcel of real estate owned by the bank, and its location; the amount due from other banks that are solvent, giving the name of each bank from which the same is due, together with the amount so due by each one of said banks; the amount due from insolvent banks, the names of such banks and the amount due from each one; the amount of public and corporate stocks and loans of the bank, the nature and kind of loans and stocks, designating particularly in what companies or corporations the stocks or loans are held, and the amount of stocks or loans of each company or corporation so held; the amount of bonds held, designating particularly the nature and character of the bonds held and against whom, or what the amount of treasury notes; the amount of claims against individuals or corporations that are disputed or in controversy; the amount of all other debts and claims either due, or to become due, and the value of any other property of the bank as the same stand charged on the books or otherwise; which said exhibit shall also set forth on the other side, the debts and liabilities of the bank on the discount day designated by the auditor general, specifying separately under distinct heads, the various kinds of liability and indebtedness; the amount of capital stock actually paid in; the amount of the circulation; the amount of deposits, certificates of deposits; the amount due the commonwealth; the amount due to corporations; the amount due to banks; the amount due to individuals, and the amount of claims against the bank remaining in controversy, and any other items of indebtedness or liability not embraced in the foregoing specifications.

Further duty of cashier in preparing exhibit.

SECTION 8. It shall moreover be the duty of the cashier in preparing the exhibit required in the preceding section of this act, for the month of November preceding the meeting of the legislature, to state, in regard to each item and sub-division of the assets of the bank, what is, in the judgment and ability of said cashier, the actual marketable cash value of each item of the same, and the amount of current notes of other banks on hand at the time the exhibit is made out, also the amount of uncurrent notes held by the bank.

Exhibit to be verified by oath or affirmation of cashier.

SECTION 9. The exhibit, agreeably to the seventh and eighth sections of this act, shall be verified and accompanied with the oath or affirmation of the cashier of the said bank, duly attested before some officer authorized by law to administer oaths, to the following effect, namely: that he, the said cashier, has carefully examined the books and muniments of the bank, and has compared the same with the said exhibit as far as it is practicable, and that he verily believes that the said exhibit or statement presents a true, fair and full view of the actual condition of the bank; and in addition to the above exhibit made for the discount day in the month of November preceding the meeting of the legislature, shall be accompanied with the oath or affirmation of the cashier of the said bank, setting forth that he has inspected the several items of assets, or the evidence thereof in the said exhibit referred to, as far as is practicable, and that he has according to the best of his judgment and ability, valued each of said items of assets at the absolute cash price which it would produce at the time, and that in his judgment the actual assets of the bank are intrinsically worth the amount of the valuation so made by him.

Officers to take oath before entering upon their duties.

SECTION 10. The president, directors, cashier and other officers of the said bank, and of every other bank hereafter chartered, shall, before they enter on the duties of their several offices and stations, severally take an oath, to be administered by some officer authorized by law to

administer oaths, to observe faithfully and honestly the provisions of the several acts of assembly applicable to the bank of which they are directors or officers, or in which they hold stations, and that they and each of them, during their continuance in office, will not knowingly violate or sanction, or willingly permit any of the provisions of the law governing their charter to be violated; the said oath so to be taken shall be subscribed and immediately delivered to the auditor general, to be filed in his office.

SECTION 11. If any president, director, cashier or other officer of the said bank, or of any other bank hereafter chartered, shall, after having taken and subscribed the oath required by this act, wilfully violate any provision of any act of assembly applicable to the bank of which he is an officer, he shall be taken and deemed to have committed wilful and criminal perjury, and upon conviction in any criminal court in this commonwealth, he shall suffer such punishment as is inflicted by the laws of this commonwealth on any person guilty of the crime of perjury.

Violation of official oath to be deemed perjury.

SECTION 12. That the said bank shall pay into the treasury of the commonwealth, within three months after expiration of the present charter, two per centum upon the whole amount of the capital stock thereof: *Provided*, That should said bank at any time hereafter be made the subject of taxation not now provided for by general laws, the per centum so paid shall be credited to said bank on account of said additional taxation.

Per centum to be paid into state treasury.

SECTION 13. Neither the said Bank of Chambersburg, nor any other bank hereafter chartered, shall issue and put in circulation any bill or note of said bank, payable at any other place than at said bank, nor otherwise than payable on demand, nor of a denomination less than five dollars: and any violation of this section by any officer or officers of said bank or banks, shall be a misdemeanor, punishable upon conviction, by a fine of not less than five hundred dollars, and imprisonment in the jail of the proper county not less than one year.

Not to issue notes of less denomination than five dollars.

SECTION 14. It shall not be lawful for said bank to make or declare any dividend to the stockholders thereof, except from profits actually acquired above the par value of the stock, and no such dividend shall be made at any time, that will in any manner impair or diminish the stock of said bank.

Dividend.

SECTION 15. The stockholders of the said Bank of Chambersburg shall be jointly liable to the creditors of said bank, being note holders, in their individual capacity for the amount of all the notes issued in an amount not exceeding the par value of stock owned and possessed by them respectively, and the manner of enforcing such liability shall be as follows: in case the said bank shall violate the provisions of any law applicable to it, so as to forfeit its charter, or becomes insolvent and in failing circumstances by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of this act, or under the provisions of the act of the twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisement of the assets of the said bank of every description, at their cash value, and also, to make a list of all the debts due by the said bank; and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make such deficiency in proportion to the respective amounts of stock held by each at the time such assignment is made: *Provided*, That their joint liability shall in no case exceed the amount of the par value of their stock.

Individual liability.

Assignment in case of insolvency.

Assignees.

Proviso.

Duty of assignees. SECTION 16. It shall be the duty of the assignees aforesaid, to cause a scire facias in the name of the commonwealth of Pennsylvania, to be issued by the prothonotary of the court of common pleas of Franklin county, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas in said county, and show cause why execution should not be issued against them for such amount; and such scire facias shall also set forth the proportions due from each of the said stockholders; and it shall be the duty of the sheriff of said county to serve the said writ upon all stockholders named in said writ residing within his bailiwick; and it shall be lawful for the court of common pleas or a judge in vacation, to make such order in reference to giving notices to stockholders, non-residents of the county, and named in said writ, as the case may require: *Provided*, That the writ of scire facias shall not abate by reason of the non joinder of any stockholder; and in case it shall appear that one or more persons in said writ named are not liable under the provisions of this act, it shall not vitiate the proceedings against the others.

Proviso.

On return of scire facias, execution may be awarded. SECTION 17. On the return day of the said writ of scire facias, it shall be the duty of the said court to render judgment against the stockholders named in said writ, for the several amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

Stockholders liable for one year after transfer. SECTION 18. If the amount assessed on the shares of any stockholder under the provisions of the last section, shall not be collected from such stockholder by reason of his insolvency, or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within one year previous to the assignment of the said bank, shall have received a transfer of the shares, or any portion of the shares then held by him; and any person having made such transfer being made a party by an alias writ of scire facias, shall be liable in the same manner and for the same proportion that he would have been liable had he continued to hold the shares so transferred: *Provided*, That any person having made an assignment or transfer of his or her stock in said bank, may discharge himself or herself from liability under the provisions of this section, by shewing that the transactions or loans which caused the insolvency of said bank, were made after such assignment or transfer, or such part thereof as he or she may shew accrued after such transfer or assignment.

Proviso.

Stockholders at time of assignment proportionally liable and may pay proportionable share. SECTION 19. Every individual who owned stock in his or her own name, or in the name of any other person or persons at the time of such assignment, shall be deemed liable for his or her proportions under the provisions of this act; but it shall be lawful for any stockholder of the said bank, either before or after process shall have issued, to pay his or her proportionable share of liability to the assignees, and receive a full discharge from them, and the process shall be proceeded in only against the other stockholders that are liable.

Meaning of term stockholder. SECTION 20. The term stockholder, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency, in the name of another person, and to every person who shall have advanced the instalment or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years; but no trustee appointed by a last will and testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of

twenty-one years, shall be individually liable on account of the shares so held.

SECTION 21. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank; and the courts shall exercise all the powers therein given in addition to the authority conferred by this act to compel a settlement of the accounts of the assignees, and to do any other act necessary and proper to accomplish the purposes of the trust, and to compel the distribution of the moneys and assets in the hands or power of the said assignees, amongst the creditors entitled according to the just proportion due to each as hereinafter provided.

SECTION 22. The said assignees shall pay out of the assets and property of the said bank, in case of an assignment, the debts and liabilities in the following order:

First, note-holders.

Second, depositors.

Third, all other creditors, except stockholders, who shall be last paid.

SECTION 23. If the insolvency of the said bank be wilfully fraudulent, the directors of the said bank by whose acts or omissions the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the stockholders of the said bank for his proportional share of their respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its re-imbursement.

SECTION 24. Every insolvency of said bank shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents receiving a compensation for their services, are bound by law to observe.

SECTION 25. The term insolvency used in this act shall be construed to apply to the said bank when it is compelled to make an assignment; and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas of Franklin county, verified by oath or affirmation, a full statement of its affairs, containing—

I. An account of the capital stock of the bank, the amount paid in, and the amount thereof held by such corporation.

II. The quantity, description and value of the real estate of the said bank.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

IV. The debts owing to said bank, and the amount of said debts that are collectable.

V. The amount of debts owing by said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with an account of its loans and discounts, and of specie on hand.

VI. A particular account of the losses of the corporation and the cause of its insolvency.

VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of the said assignment.

SECTION 26. If the court shall be in session when the statement is filed, the same shall be immediately presented to the court by the said

Provisions of certain act made applicable to assignments by this bank.

Order of payment.

Frauds, how punished.

When insolvency deemed fraudulent.

The term insolvency construed.

Directors to file statement of affairs after assignment.

Statement.

Statement, when to be presented to court.

directors for examination; and if the court shall not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter; and it shall thereupon be the duty of the court to appoint three competent auditors, who shall be sworn or affirmed to make a strict investigation of the affairs of such bank, and of the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity.

Auditors, powers and duties of. SECTION 27. The auditors thus appointed shall have power to compel the production of the books and papers and to subpoena and examine the directors and officers of said bank, and generally to have and exercise all the authority now conferred on auditors by existing laws; and after having performed their duties they shall report to the court the result of their investigation, and in case they report that the insolvency was wilfully fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors according to the liabilities imposed by this act.

Court to investigate the matters contained in report.

SECTION 28. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of said bank was wilfully fraudulent or otherwise; or if they deem it necessary for the purpose of justice, they may direct an issue at the request of any person interested, to try the fact of wilful fraudulent insolvency, and if the judgment of the court upon the report of the auditors or upon the verdict rendered upon such issue, shall be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each according to their several liabilities; and the said court of common pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons then made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said courts in cases of trust.

When this act to take effect.

SECTION 29. The provisions of this act shall go into effect upon the expiration of the present charter: *Provided*, That the stockholders at a meeting to be called for that purpose shall, by a majority of votes present, decide in favor of the acceptance thereof, which acceptance shall be certified to by the officers of the bank, and transmitted to the governor in writing, and filed in the office of the secretary of the commonwealth.

Stockholders may exempt directors from liabilities to them; may limit the amount of discounts to directors; not to exceed \$5,000 to one director, or \$30,000 to all the directors.

SECTION 30. That it shall be competent for the stockholders of the said bank at any annual meeting, or at a special meeting convened for the purpose according to law, by a vote of at least four-fifths in number and value of those present, to exempt the directors from all the liabilities intended for the special benefit of said stockholders, as set forth in the preceding sections of this act; and the said stockholders may in like manner decide what limit shall be fixed on the amount of discounts to be made to the directors of said bank, and if any limit should be decided upon what that limit shall be: *Provided*, That the amount loaned to one director at any one time shall not exceed five thousand dollars, either as drawer or endorser, nor shall the aggregate amount thus loaned to all the directors of said bank amount to more than thirty thousand dollars.

Reservation.

SECTION 31. The legislature reserves the power to alter, revoke or annul the charter of the said bank, whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner that no injustice be done to the corporators.

SECTION 32. So much of any act of assembly as is hereby altered or Repeal. supplied is hereby repealed.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 442.

AN ACT

To extend the charter of the Hanover Savings Fund Society.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Hanover Savings Fund Society, of the county of York, be and the same is hereby extended for the period of ten years from the time of the expiration of its present charter, subject to all the restrictions and provisions contained in the original act of incorporation, and to all the provisions of this act and other acts which may hereafter be passed by the legislature for the regulation of savings fund societies.

Charter of Han-
over Savings Fund
Society, extended

SECTION 2. The said Hanover Savings Fund Society shall pay into the treasury of the state, in the manner now directed by law for the payment of a tax on dividends, ten per cent. on all dividends which do not exceed six per cent. per annum; and on dividends exceeding six per cent. and not exceeding seven per cent. per annum, a tax of eleven per cent. on such dividends; and on dividends exceeding seven per cent. per annum, and not exceeding eight per cent. per annum, the said savings fund society shall pay a tax of twelve per cent.; and on dividends exceeding eight per cent. per annum, and not exceeding nine per cent., the said savings fund society shall pay a tax of thirteen per cent.; and on dividends exceeding nine per cent. and not exceeding ten per cent., a tax of fourteen per cent.; and on dividends exceeding ten per cent. and not exceeding eleven per cent., a tax of sixteen per cent.; and on dividends exceeding eleven per cent. and not exceeding twelve per cent., a tax of eighteen per cent.; and on dividends exceeding twelve per cent., a tax of twenty per cent.

Tax on divi-
dends, pay over
to state.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 443.

AN ACT

To incorporate the Union cemetery of Fayette county; to exempt the hall of the Sons of Temperance, in the district of Southwark, Philadelphia county, from taxation; and relative to the duties of assessors.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* James Veech Green, Cerry Crossland, William Redick, Daniel Kaine, John Dawson, Samuel Bryan and Armstrong Hadden, and their associates, and all and every the persons who are or may hereafter become members of the association, styled "The Union cemetery of Fayette county," and their successors, shall be and they are hereby created and declared a body corporate, by the name and style of "The Union cemetery of Fayette county," and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of property, to sue and be sued, plead and be impleaded in any court of law or elsewhere, to ordain, pass and put in execution all such by laws, rules and regulations not contrary to the constitution and laws of the United States, or of this commonwealth, or to this act, as shall be necessary and convenient for carrying into effect the object of the association, and generally to do all and singular the matters and things which shall lawfully appertain to them to do, for the improvement and ornament of the grounds and the due management and regulation of the affairs of the said cemetery.
- Style.**
- Privileges.**
- Managers to be elected.** SECTION 2. The affairs of the association shall be under the control of seven managers to be elected from among and by the members, in such manner and at such times as the by-laws made in pursuance of this act shall specify; and until an election shall be held the trustees of the said association shall act as managers thereof.
- Grounds to be exempted from taxation.** SECTION 3. That the grounds of the said cemetery (which shall at no time exceed twelve acres,) shall hereafter be exempt from taxation; and no street or road shall be opened through the same, except by and with the consent of the managers thereof, and the lots in the said cemetery shall not be subject to attachment or execution: *Provided*, That the said exemption from attachment and execution shall not extend to more than four lots of the size laid out and held by any one individual: *And provided further*, That nothing herein contained shall exempt said grounds from taxation for state purposes, or from such assessments for cemetery purposes as may at any time be made by the managers of the said cemetery.
- Southwark Sons of Temperance hall, exempted from taxation.** SECTION 4. That the hall of the Sons of Temperance, in the district of Southwark, in the county of Philadelphia, be exempt from the payment of taxes, except for state purposes.
- Assessors to make return of all exempted property.** SECTION 5. That it shall be the duty of the several assessors in this commonwealth, to make return of all property now, or which hereafter may be specially exempt by act of assembly from taxes, in a separate list, to the commissioners of the proper county, for which service the

said assessors shall receive the same compensation as is allowed for like services in other cases.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 444.

A N A C T

To incorporate the Montrose Rough and Ready fire engine company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the persons who constitute the Montrose Rough and Ready fire engine company of the borough of Montrose, in the county of Susquehanna, or who shall hereafter be admitted members of the same, shall and are hereby declared to be a body politic and corporate, by the name, style and title of “The Montrose Rough and Ready fire engine company;” and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and also, the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, hold and enjoy, to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattels of whatever nature, kind or quality, real, personal or mixed, or choses in action, and the same from time to time sell, alien, grant, demise or dispose of: *Provided*, That the clear yearly value or income of the said corporation shall not exceed two thousand five hundred dollars; and also, to make and have a common seal, and the same to break and renew at pleasure; and also, to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation, and the due management and ordering the affairs thereof.

SECTION 2. That the present officers of the company shall continue in their respective stations until an election shall be made under this act; and the rules, by-laws and ordinances now in force, not inconsistent with the laws of the state or of the United States, shall be valid until altered, amended, or abrogated by the corporation.

Not to engage in banking, &c. SECTION 3. That nothing contained in this act shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial or manufacturing concern, or to act in any other way than a fire company.

Reservation. SECTION 4. That the legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever, in their opinion, the same may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 445.

AN ACT

To extend the charter of the Bank of Delaware County.

Charter of Delaware County Bank extended for fifteen years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Bank of Delaware County shall be and the same is hereby extended and continued for the purpose of transacting the business of banking, at its present location, for the term of fifteen years from the expiration of the present charter, with the capital stock as at present fixed by law, subject to the provisions imposed by this act, and to the provisions now imposed upon the said bank by existing laws of this commonwealth, and to such further provisions as the legislature may hereafter enact for the general regulation of banks in this commonwealth.

Liabilities not to exceed three times the amount of stock paid in.

SECTION 2. The total liabilities of the said bank, exclusive of capital stock, shall not exceed three times the amount of its capital stock paid in, nor shall the debts of every kind due and to become due to the said bank ever amount to more than four times its capital stock paid in; and the said bank shall neither loan nor discount when its circulation shall be equal for thirty consecutive days to three times the amount of specie and notes of specie paying banks in its possession belonging to said bank, and any balance standing to the credit thereof in specie paying banks, convertible into specie at the pleasure of the said bank.

Auditor general may require statement.

SECTION 3. The auditor general may at any time require the cashier of the said bank to state and return on his oath or affirmation the amount of the circulation of said bank for any consecutive period of

thirty days which he may designate, and also for the same period the amount of specie and notes of specie paying banks in its possession belonging to the said bank, and the balance standing to its credit in specie paying banks, convertible into specie at the pleasure of the bank, and also the whole amount of its liabilities and debts due and to become due; and if upon the return so made it shall appear that any of the provisions of the second section of this act have been violated for the said period of thirty days so designated by the auditor general, he shall give notice thereof to the governor, who shall thereupon issue his proclamation, declaring the charter of the said bank forfeited.

SECTION 4. If the charter of the said bank shall be forfeited in manner provided in the preceding section, after proclamation made by the governor, then the directors of said bank shall forthwith make and execute an assignment in the manner provided in the act of the twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments, and for other purposes;" and it shall thereupon be proceeded in the manner provided in that act; if the directors of the said bank should neglect or refuse to make the assignment provided for in this act, they shall be guilty of a misdemeanor, and upon conviction in any criminal court in the commonwealth, be imprisoned in the jail of the proper county for any period not exceeding two years, in the discretion of the court.

SECTION 5. If any president, cashier or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence shall be fined in any amount not less than the sum so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries as the case may be, to be kept in separate and solitary confinement at labor for any term not exceeding five years: *Provided*, That this shall not prevent any person or persons aggrieved from pursuing his or their civil remedy against such person or persons.

SECTION 6. It shall be the duty of the auditor general to require the said bank, on some discount day to be designated by him, in every quarter of the then current year, one of which shall be in the month of November, to make and return to him the exhibits hereinafter provided for; which exhibits the auditor general shall prepare in tabular form and communicate the same to both branches of the legislature, within ten days after their meeting: *Provided*, That the first section of the act approved the first April, one thousand eight hundred and thirty six, entitled "An Act requiring the banks of this commonwealth to make quarterly statements to the auditor general," shall not be made applicable to this bank.

SECTION 7. It shall be the duty of the cashier of the said bank for the time being, to prepare, upon the requisition of the auditor general, a just and full exhibit of the affairs and condition of the said bank, on at least four different discount days of the then current year, to be designated by the auditor general, one of which shall be in the month of November, so as to exhibit the entire amount of the assets of the bank, and every item thereof under separate heads, and also, the entire amount of the indebtedness and liabilities of the said bank, and every item thereof under separate heads, setting forth on the one side particularly, so as to give a full and proper view of all the assets belonging to the said bank: first, the amount of gold and silver in the vaults of the bank; the amount of current notes, checks and bills of other banks; the amount of uncurrent notes, checks and bills of other

In case of forfeiture of charter, assignment to be made.

Embezzlement, how punished.

Provido.

Duty of auditor general.

Provido.

Cashier to make out exhibit on requisition of auditor general.

Exhibit.

banks ; the amount of any other obligations of other banks ; the amount of bills and notes discounted ; the amount of the mortgages of the bank, and the assessed value for the preceding year, of the real estate bound by such mortgages ; the amount of prior mortgages, judgments and other liens ; the amount of judgments held by the bank, and the assessed value for the preceding year, of the real estate bound by such judgments ; the amount of prior judgments, mortgages and other liens ; the amount of the real estate held and owned by the bank, and the assessed value for the preceding year, of each separate piece or parcel of real estate owned by the bank, and its location ; the amount due from other banks that are solvent, giving the name of each bank from which the same is due, together with the amount so due by each one of said banks ; the amount due from insolvent banks, the names of such banks and the amount due from each one ; the amount of public and corporate stocks and loans of the bank, the nature and kind of loans and stocks, designating particularly in what companies or corporations the stocks or loans are held, and the amount of stocks or loans of each company or corporation so held ; the amount of bonds held, designating particularly the nature and character of the bonds held and against whom, or what the amount of treasury notes ; the amount of claims against individuals or corporations that are disputed or in controversy ; the amount of all other debts and claims either due or to become due, and the value of any other property of the bank, as the same stand charged on the books or otherwise ; which said exhibit shall also set forth on the other side, the debts and liabilities of the bank on the discount day designated by the auditor general, specifying separately, under distinct heads, the various kinds of liability and indebtedness ; the amount of capital stock actually paid in ; the amount of the circulation ; the amount of deposits, certificates of deposits ; the amount due the commonwealth ; the amount due to corporations ; the amount due to banks ; the amount due to individuals, and the amount of claims against the bank remaining in controversy, and any other items of indebtedness or liability not embraced in the foregoing specifications.

Further duties of cashier in preparing exhibit.

SECTION 8. It shall moreover be the duty of the cashier, in preparing the exhibit required in preceding section of this act, for the month of November preceding the meeting of the legislature, to state in regard to each item and sub division of the assets of the bank, what is in the judgment and ability of said cashier the actual marketable cash value of each item of the same ; amount of current notes of other banks on hand at the time the exhibit is made out ; also, the amount of uncurrent notes held by the bank.

Exhibit to be verified by oath of cashier.

SECTION 9. The exhibit agreeably to the seventh and eighth sections of this act, shall be verified and accompanied with the oath or affirmation of the cashier of the said bank, duly attested before some officer authorized by law to administer oaths, to the following effect, namely : that he, the said cashier has carefully examined the books and muniments of the bank, and has compared the same with the said exhibit as far as it is practicable, and that he verily believes that the said exhibit or statement presents a true, fair and full view of the actual condition of the bank ; and in addition to the above exhibit made for discount day in the month of November preceding the meeting of the legislature, shall be accompanied with the oath or affirmation of the cashier of the said bank, setting forth that he has inspected the several item of assets, or the evidence thereof in the said exhibit referred to, as far as is practicable, and that he has according to the best of his judgment and ability valued each of said items of assets at the absolute cash price which it would produce at the time, and that in his judgment the actual assets

of the bank are bona fide worth the amount of the valuation so made by him.

SECTION 10. The president, directors, cashier and other officers of the said bank, and of every other bank hereafter chartered, shall before they enter on the duties of their several offices and stations, severally take an oath or affirmation to be administered by some officer authorized by law to administer oaths, to observe faithfully and honestly the provisions of the several acts of assembly applicable to the bank of which they are directors or officers, or in which they hold stations, and that they and each of them during their continuance in office will not knowingly violate, or sanction or willingly permit any of the provisions of the law governing their charter to be violated; the said oath so to be taken shall be subscribed and immediately delivered to the auditor general to be filed in his office.

Officers to take oath before entering upon duties.

SECTION 11. If any president, director, cashier or other officer of the said bank, or of any other bank hereafter chartered, shall after having taken and subscribed the oath or affirmation required by this act, wilfully violate any provision of any act of assembly applicable to the bank of which he is an officer, he shall be taken and deemed to have committed wilful and corrupt perjury, and upon conviction in any criminal court in this commonwealth, he shall suffer such punishment as is inflicted by the laws of this commonwealth, on any person guilty of the crime of perjury.

Violation of official oath deemed perjury.

SECTION 12. That the said bank shall pay into the treasury of the commonwealth, within three months after the expiration of its present charter, two per centum upon the whole amount of the capital stock thereof actually paid in: *Provided*, That should said bank at any time hereafter be made the subject of taxation not now provided for by general laws, the per centage so paid shall be credited to said bank on account of said additional taxation.

Per centum on stock payable into state treasury.

SECTION 13. Neither the said Bank of Delaware County, nor any other bank hereafter chartered, shall issue and put in circulation any bill or note of said bank payable at any other place than at said bank, nor otherwise than payable on demand, nor of a denomination less than five dollars; and any violation of this section by any officer or officers of said bank or banks shall be a misdemeanor, punishable upon conviction by a fine of not less than five hundred dollars, and imprisonment in the jail of the proper county not less than one year.

Not to issue notes of less denomination than five dollars.

SECTION 14. It shall not be lawful for said bank to make or declare any dividend to the stockholders thereof except from profits actually acquired above the par value of the stock, and no such dividend shall be made at any time that will in any manner impair or diminish the capital stock of said bank.

Dividend, when to be declared.

SECTION 15. The stockholders of the said Bank of Delaware County shall be jointly liable to the creditors of said bank, being note holders, in their individual capacity for the amount of all notes issued in an amount not exceeding the par value of the stock and possessed by them respectively; and the manner of enforcing such liability shall be as follows: in case the said bank shall violate the provisions of any law applicable to it, so as to forfeit its charter, or becomes insolvent in failing circumstances by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of this act, or under the provisions of the act of twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisal of the assets of the said bank of every description at their cash value,

Individual liability.

Assignment in case of insolvency.

Assignees.

and to make a list of all the debts due by the said bank; and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make good such deficiency in proportion to the respective amounts of stock held by each at the time such assignment is made: *Provided*, That their joint liability shall in no case exceed the amount of the par value of their stock.

Proviso. **Duty of assignees** SECTION 16. It shall be the duty of the assignees aforesaid to cause a scire facias in the name of the commonwealth of Pennsylvania to be issued by the prothonotary of Delaware county, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas in said county, and shew cause why execution should not be issued against them for such amount, and such scire facias shall also set forth the proportions due from each of the said stockholders; and it shall be the duty of the sheriff of said county to serve the said writ upon all stockholders named in said writ, residing within his bailiwick; and it shall be lawful for the court of common pleas, or a judge in vacation, to make such order in reference to giving notices to stockholders, non-residents of the county, and named in said writ, as the case may require: *Provided*, That the writ of scire facias shall not abate by reason of the non-joinder of any stockholder; and in case it shall appear that one or more persons in said writ named are not liable under the provisions of this act, it shall not vitiate the proceedings against the others.

Proviso. SECTION 17. On the return day of the said writ of scire facias it shall be the duty of the said court to render judgment against the stockholders named in said writ, for the several amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

On return of scire facias execution may be awarded. SECTION 18. If the amount assessed on the shares of any stockholder under the provisions of the last section shall not be collected from such stockholder, by reason of his insolvency or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom delinquent stockholder, at any time within one year previous to the assignment of the said bank, shall have received a transfer of the shares or any portion of the shares then held by him; and any person having made such transfer, being made a party by an alias writ of scire facias, shall be liable in the same manner and for the same proportion that he would have been liable had he continued to hold the shares so transferred: *Provided*, That any person having made an assignment or transfer of his or her stock in said bank, may discharge himself or herself from liability under the provisions of this section, by showing that the transactions or loans which caused the insolvency of said bank were made after such assignment or transfer, or such part thereof as he or she may show accrued after such transfer or assignment.

Stockholders liable for one year after transfer. **Proviso.** SECTION 19. Every individual who owned stock in his or her own name, or in the name of any other person or persons, at the time of such assignment, shall be deemed liable for his or her proportions under the provisions of this act; but it shall be lawful for any stockholder of said bank, either before or after process shall have issued, to pay his or her proportionable share of liability to the assignees, and receive a full discharge from them, and the process shall be proceeded in only against the other stockholders that are liable.

Stockholders proportionally liable and may pay proportionable share. SECTION 20. The term stockholder, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency in the name of

Meaning of term stockholder.

another person, and to every who shall have advanced the instalment or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years; but no trustee appointed by a last will and testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of twenty-one years, shall be individually liable on account of the shares so held.

SECTION 21. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank; and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel a settlement of the accounts of the assignees, and to do any other act necessary and proper to accomplish the purposes of the trust, and to compel the distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled, according to the just proportion due to each as hereinafter provided.

Provisions of certain act made applicable to assignments by this bank.

SECTION 22. The said assignees shall pay out of the assets and property of the said bank, in case of an assignment, the debts and liabilities in the following order:

Order of payment.

First, note-holders.

Second, depositors.

Third, all other creditors, except stockholders, who shall be last paid.

Frauds, how punished.

SECTION 23. If the insolvency of the said bank be wilfully fraudulent, the directors of the said bank by whose acts or omissions the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the stockholders of the said bank for his proportional share of their respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its re-imbursement.

SECTION 24. Every insolvency of said bank shall be deemed fraudulent, unless its affairs shall appear upon investigation to have been fairly and legally administered, and generally with the same care and diligence that agents receiving a compensation for their services are bound by law to observe.

When insolvency deemed fraudulent.

SECTION 25. The term insolvency used in this act shall be construed to apply to the said bank when it is compelled to make an assignment, and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas of Delaware county, verified by oath or affirmation, a full statement of its affairs, containing—

Term insolvency construed.

Directors to file statement of affairs.

I. An account of the capital stock of the bank, the amount paid in, and the amount thereof held by such corporation.

II. The quantity, description and value of the real estate of the said bank.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

IV. The debts owing to said bank, and the amount of said debts that are collectable.

V. The amount of debts owing by said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with an account of its loans and discounts, and of specie on hand.

VI. A particular account of the losses of the corporation, and the cause of its insolvency.

VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of the said assignment.

SECTION 26. If the court shall be in session when the statement is filed, the same shall be immediately presented to the court by the said directors for examination; and if the court shall not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter: it shall thereupon be the duty of the court to appoint three competent auditors, who shall be sworn or affirmed, to make a strict investigation of the affairs of such bank, and of the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity.

Auditors, powers and duties of.

SECTION 27. The auditors thus appointed shall have power to compel the production of the books and papers, and to subpoena and examine the directors and officers of said bank, and generally to have and exercise all the authority now conferred on auditors by existing laws; and after having performed their duties, they shall report to the court the result of their investigation: and in case they report that the insolvency was wilfully fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors, according to the liabilities imposed by this act.

Court to investigate matters contained in report, &c.

SECTION 28. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of said bank was wilfully fraudulent or otherwise; or if they deem it necessary for the purpose of justice, they may direct an issue at the request of any person interested to try the fact of wilful fraudulent insolvency; and if the judgment of the court upon the report of the auditors, or upon the verdict rendered upon such issue, shall be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each, according to their several liabilities; and the said court of common pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons then made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said courts in cases of trust.

When this act to take effect.

SECTION 29. The provisions of this act shall go into effect upon the expiration of the present charter: *Provided*, That the stockholders, at a meeting to be called for that purpose, shall by a majority of the votes present decide in favor of the acceptance thereof, which acceptance shall be certified to by the officers of the bank, and transmitted to the governor in writing, and filed in the office of the secretary of the commonwealth.

No director to be drawer or endorser for a greater sum than \$5,000.

SECTION 30. No director of said bank shall appear as drawer or endorser, or as both drawer and endorser, at any one time for a greater amount than five thousand dollars, and the gross amount discounted for or loaned to all the directors and other officers of said bank, and to houses or firms in which they may be interested directly or indirectly, shall not exceed at any one time the sum of thirty thousand dollars.

Failure to pay liabilities held to be an absolute forfeiture of charter.

SECTION 31. If the said bank shall at any time fail or refuse to redeem its notes and pay its liabilities in gold and silver coin, upon demand being made at the banking house of said bank during banking hours, such failure or refusal shall be deemed and held to be an absolute forfeiture of the charter of said bank.

Reservation.

SECTION 32. The legislature reserves the power to alter, revoke or annul the charter of the said bank, whenever in their opinion it may be

injurious to the citizens of the commonwealth, in such manner that no injustice be done to the corporators.

SECTION 33. No much of any act of assembly as is hereby altered or Repeal. supplied, is hereby repealed.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 446.

AN ACT

To incorporate the Windsor Haven bridge company, at or near Shoemakerville, in the county of Berks; and to change the time of electing treasurer in Warren county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Benjamin Seidel, John Kirschner, Samuel Hoffman, David Moll, Daniel Unger, Charles Egolf, John Shappel, Solomon Seidel, William Madare, John Heckman, Solomon H. Leshner, Jacob Boyer, Isaac Deturk, Elijah Weidman, George K. Hagg, Samuel Stepp, William Meerwine, Daniel Christ, Soseph Seidel, David Keim, John Schlappig, Samuel Keim and Benneville Unger, be and they are hereby created commissioners, authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least two weeks' notice thereof in a paper printed at Reading, Berks county, of the time and place when and where the subscriptions will be received; and at the time of subscribing for said stock two dollars shall be paid to the commissioners or some one of them, which money shall be paid over to the treasurer of said company as soon as one is appointed, and the residue of said subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and managers of the company may direct. Commissioners.

SECTION 2. When one hundred shares are subscribed, the persons holding the same are hereby created and incorporated into a company, by the name, style and title of "The Windsor Haven bridge company," in the county of Berks; and by that name those who have subscribed, and those that may thereafter subscribe, shall have perpetual succession, with all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new sub- Style. Privileges.

scriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge or fulfil the intent of this act, and of purchasing and holding, to them and their successors, lands, tenements, hereditaments and estates, in fee simple, or any real or personal estate they may think proper, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded in all courts of justice.

Capital stock.

SECTION 3. That the capital stock of said company shall not exceed ten thousand dollars, which shall be divided into shares of ten dollars for each share; and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively or by them subscribed, at such periods and in such instalments as the directors of said company may order or determine.

Organize, when and how.

SECTION 4. As soon as one hundred shares of the said capital stock shall be subscribed, it shall be the duty of the commissioners to give notice in one paper printed in Berks county, of the time and place of a meeting of the stockholders, who shall, on meeting, proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, five directors, one treasurer, and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be appointed; and the said president and directors shall make such by-laws and regulations for the government of said company as they shall think necessary and proper, consistent with the laws of this commonwealth, for the well ordering of the affairs of said company, and fixing upon the site or location of said bridge; and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election; and the stockholders shall meet on the first Monday in January in every year, at such place as shall be fixed on by the president and directors, for the purpose of electing officers for the ensuing year.

Election of officers.

By-laws.

Annual meeting.

Certificates of stock to be issued Transferable.

SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder, in person or by attorney, subject to the payment of any balance that may be due thereon; and the assignee holding such certificate having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock, and of all the estate and emoluments of the company in proportion to the number of shares by them held, and to vote at the meetings thereof as aforesaid; and the president and directors shall meet at such times and places as shall be agreed on, for the transaction of business; at such meetings three members shall form a quorum for transacting business; they shall keep minutes of their transactions entered in a book, and shall have authority to agree and appoint engineers, artists, superintendents and agents, as they shall think necessary to construct a bridge over the Schuylkill river at or near Shoemaker'sville, in Berks county, and to complete the same and fix the salaries, and determine the time the stockholders shall pay their instalments due on their respective shares; draw orders on the treasurer for money, the same to be signed by the president and chairman, and attested by the clerk; and do and transact all things by this act and the by-laws or regulations of the company that may be lawful.

Quorum.

Location.

May enter on lands.

SECTION 6. It shall be lawful for the president and directors, their superintendents, engineers and workmen to enter on lands and enclosures near the place where the bridge is to be built, and to cut and carry off any timber, or dig gravel, quarry stone, or gather sand necessary for

building said bridge; also, to enter thereon with wagons, carts, sleds, sleighs or beasts of burden or draught, and take and carry off any material necessary in the construction of said bridge, doing as little damage as possible, and afterwards making amends for any damage that may be done, which damage, if the parties cannot agree, shall be submitted to the decision of three disinterested freeholders chosen by the parties; and if the parties cannot agree on the men, or if either party on due notice shall neglect or refuse to join in the choice, then said freeholders shall, on application, be appointed by any justice of the peace within the county, not interested, who, after being sworn or affirmed, shall assess or appraise the damage, and make report thereof to the justice of the peace who appointed them; and the said directors or other persons by them employed, after the tender of the appraised value to the owner, may enter, chop, dig, quarry and carry off any material necessary in the building or repairing said bridge: *Provided*, That said company shall not enter upon any land or lands, or take possession of any property or materials without making compensation to the owner or owners thereof, or giving adequate security therefor.

Damages, how assessed.

Proviso.

SECTION 7. The president and directors of the said company shall keep just and fair accounts of all moneys received by them in any way under the provisions of this act, and also, of all moneys by them expended, and all voluntary contributions to said company; and shall at least once a year, or whenever called on, submit their accounts to the inspection of any or all the stockholders.

Accounts.

SECTION 8. When a good and complete bridge is erected over said Schuylkill, at the place aforesaid, the company, their successors or assigns may demand and receive toll from travelers and others crossing the same, at the following rates: for every score of sheep four cents; for every score of hogs six and a fourth cents; for every score of horn cattle twelve and a half cents; and so in this proportion for greater numbers; for every horse or mule laden or unladen, with rider, three cents; for every chair, chaise or sulkey with two wheels and one horse six and a fourth cents; the same with two horses nine cents; for every dearborn wagon with one horse six and a fourth cents; for every chaise, coach, phaeton, chair, stage, wagon, coachee or light wagon with four wheels and two horses, twelve and a half cents; for either of the last named carriages or vehicles with four horses eighteen and three fourth cents; for every other carriage of pleasure under whatever name it may go, the like sums of toll according to the number of wheels or horses drawing the same; for every sled or sleigh three cents for each horse drawing the same; for every cart, wagon or other carriage of burthen, four cents for each horse drawing the same, and two oxen shall be rated as one horse or mule; for every foot passenger crossing the bridge one cent; and they shall cause to be put up, and kept in some conspicuous place at the gates of said bridge, a list of the rates of toll: *Provided*, That the bridge shall be so constructed so as not to injure or obstruct in any manner the navigation of the Schuylkill river.

Rates of toll.

Proviso.

SECTION 9. That if any person shall wilfully cut, destroy or break, or remove from off said bridge or any part thereof, any piece of timber, stone, plank, chain, bolt or any materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending shall forfeit and pay for every such offence over and above the damage done to said bridge, the sum of twenty dollars, to be recovered with costs in any court having jurisdiction thereof.

Penalty for wilful injury to bridge.

SECTION 10. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors for cross-

Accounts of tolls.

Dividends. ing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company, in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportions of said income as may by them be deemed necessary for a growing fund, for repairing or rebuilding said bridge, and shall on the first Monday of January in each year, publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place, when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividends of profits shall be declared until all the expenses of building and constructing said bridge shall be fully paid.

Proviso.

SECTION 11. That the act of assembly passed April fifth, one thousand eight hundred and forty-two, (pamphlet laws page 230,) authorizing James and Joshua Reber to construct a bridge over the said river, at the same place, be and the same is hereby repealed.

Repeal of former law.

SECTION 12. If said company shall not commence the erection of said bridge within three years, and complete the same within six years, this act shall become null and void, excepting so far as may be necessary to settle up the affairs of the company.

Time of commencement and completion.

SECTION 13. That the treasurer of Warren county elected at the next general election shall hold his office for one year, and the treasurer elected in said county in one thousand eight hundred and fifty, and treasurers elected thereafter, shall hold their offices for two years.

Term of office of treasurer of Warren county.

WILLIAM F. PARKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 447.

AN ACT

To incorporate the Blair County male and female academy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That there shall be and is hereby established in the county of Blair, an academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of "The Blair County male and female academy;" the said academy to be under the direction, management and government of a board of trustees, not exceeding six in number, four of whom

Incorporate.

Trustees.

shall be a quorum for the transaction of business, which said trustees and their successors, shall be and they are hereby erected, established and declared to be a body politic and corporate with perpetual succession, and with all the incidents of a corporation in deed and in law to all intents and purposes whatsoever, by the name, style and title of Style. "The trustees of the Blair County male and female academy," by which name and title the said trustees and their successors shall be able at law and in equity, to take to themselves and their successors for the use of said academy, any estate, messuages, lands, tenements, hereditaments, goods, chattles, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever, and the same messuages, lands, tenements, hereditaments, goods, chattels, moneys and estates, real or personal, to grant, bargain, sell, convey, assure, demise and to farm, let or otherwise dispose of, or invest in such manner as to them, or a quorum of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits and income and interest of the same, for the use of the said academy, and by the same name to sue, prosecute and defend, implead and be impleaded in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person has power to manage his own concerns.

Privileges.

SECTION 2. The said trustees shall cause to be made for their use, one common seal with such devices and inscriptions thereon as they shall think proper, by and with which seal all deeds, certificates and acts of said corporation shall be authenticated, and the same seal the said trustees may at their pleasure break and alter, and also if they think proper devise a new one.

Seal.

SECTION 3. That Andrew J. Cline, George R. McFarlane, doctor J. A. Landis, James Gardner, William C. McCormick and doctor James Coffey are appointed trustees of said corporation, which said trustees, or any four of them, shall constitute a quorum for the transaction of business, and shall have power to fill any and all vacancies which may occur in their body, until the first Saturday in May, one thousand eight hundred and fifty, at which time, and on the same day annually thereafter, the stockholders of said academy shall elect by ballot, by a majority of the votes present to be given in person or by proxy duly authorized, six trustees, who shall continue in office for one year, or until others shall be duly chosen and qualified; the said trustees so elected to choose out of their number one person to act as president and one person to act as secretary and treasurer: *Provided*, That no person shall have more than four votes at any election, whatever number of shares he or she may be entitled to, and that each stockholder shall be entitled to one vote for each share of stock by him or her held under said number: *And provided*, That such elections may be held at the place, and conducted according to the rules that may be prescribed by the by-laws and ordinances of said academy.

Trustees until first election, named.

Annual meeting and election.

Proviso.

SECTION 4. That the said trustees herein named are hereby authorized to open books on or before the first Saturday of May next, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees of the Blair County male and female academy, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions and at such time or times as shall be required by said trustees, the whole of said stock by each of us subscribed to be paid within one year from the

Trustees to open books.

Form of subscription.

Capital stock.	time of subscribing the same." and shall thereupon proceed to receive subscriptions for the stock of the said corporation, not exceeding in the whole the sum of seven thousand dollars, divided into shares of twenty five dollars each, at such times and places as they may deem advisable ; and it shall be lawful for any persons or body politic or corporate to subscribe for as many shares as he, she or they may think proper, he, she or they paying at the time of subscription to the attending trustees five dollars for every share of stock so subscribed.
Certificates of stock.	SECTION 5. That the said trustees shall procure written or printed certificates and deliver to each stockholder a certificate signed by the president of the board of trustees, countersigned by the secretary, and sealed with the seal of the said corporation, for the share or shares of stock by him, her or them held or subscribed upon payment to the treasurer of the full sum due thereon ; and such certificates of stock shall be transferable at pleasure, in person or by attorney, in the presence of the president or treasurer ; and the assignee holding any certificate, first having caused the assignment to be entered in the book to be kept for that purpose by the said trustees, shall be deemed a member of the corporation, and entitled to all the rights and privileges of an original subscriber to said stock.
Transferable.	
By-laws and ordinances.	SECTION 6. That the said trustees shall have power to enact such ordinances and by-laws, not inconsistent with the constitution and laws of this commonwealth, as may be necessary and proper for the government of the said academy.
To erect building, &c.	SECTION 7. That as soon as a sufficient amount of stock shall be subscribed and paid in, the trustees herein named or their successors shall erect or cause to be erected, in a substantial and workmanlike manner, such building or buildings of brick, stone or other materials as they may deem necessary and proper, to be located by them in some suitable and convenient place in the said county of Blair : <i>Provided</i> , That in selecting the site of such building or buildings, the said trustees shall be guided by a due regard to the wishes and convenience of the persons subscribing the largest amount of stock and securing the payment of the same.
Proviso.	

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 448.

AN ACT

To incorporate the Express horse company of Penn township, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the Express horse company of Penn township, in the county of Philadelphia, is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Express horse company of Penn township," and by the same name shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere, to have a common seal, the same to alter and renew at pleasure, and shall be capable in law and equity to take and hold for the use of the said company, any goods and chattels, or any sum or sums of money by gift, grant, bargain, sale, will, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and the yearly income of which shall not exceed the sum of three thousand dollars; and the same to grant, bargain, sell, and a good conveyance make therefor, and generally to do all and singular the matters and things which may be lawful and necessary for them to do for the well being and due management of the affairs thereof.

Privileges.

SECTION 2. That this company shall consist of all such persons as are now members, to wit: Robert Chapinan, Jacob Engelman, Henry Chorley, Anthony Felton, Isaac C. Jones, Hugh Scott, Daniel R. Erdman, James Field, Nathaniel Chorley, William H. Sorber, Robert Evans, Joel Shettlewood, Michael Crock, George Paulus, David Drips, John C. Engelman, George W. Young, Thomas Thompson, Albinus L. Felton, Cornelius S. Smith, Parkhurst Shurlock, Charles P. Bowers, James C. Kempton, George Blight, John S. Nicholas, William H. Geyer, Israel Foster, John Knisell, Martin Will, William Field, George F. Uhber, Francis C. Mower, William Silvey, John A. Maisson, Harmon Lake, John Arrison, John R. Johnson, James Clark Jesse Evans, and all such persons as shall hereafter be admitted members agreeably to the by-laws of said company.

Corporators.

SECTION 3. That the officers of this company shall consist of one president, one vice president, one treasurer and one secretary; the duties of said officers shall be particularly set forth in the by-laws of said company.

Officers.

SECTION 4. The annual meeting of the company shall be held on the first Thursday evening in October preceding the full of the moon in every year, at the setting of the sun, when the officers enumerated in this act shall be chosen by ballot, to continue in office for one year; and the stated quarterly meetings shall be held on the first Thursday evening preceding the full of the moon in January, April and July, at the setting of the sun in every year, and if any of the offices should be become vacant by death, or resignation, or removal, they shall be filled by an election at the next stated meeting.

Annual meeting.

SECTION 5. The funds of this company shall be raised from the payments for membership, quarterly dues, fines and other lawful means, appropriated.

Funds, how ap-

and shall be exclusively appropriated to the payment of rewards offered for, and the expense incurred in detecting horse thieves, and recovery of stolen horses, and defraying the necessary costs attending the meetings of the company.

Funds may be raised by assessment upon members.

SECTION 6. If at any time the funds of the company should be inadequate to its emergencies, such deficiency shall be levied by an equal assessment upon every member of the company.

By-laws.
Proviso.

SECTION 7. That the company shall have power at any annual or stated quarterly meeting, to make such by-laws as may be deemed necessary for its better regulation : *Provided*, That such by laws are not repugnant to this act, or inconsistent with the constitution of this state or of the United States.

Reservation.

SECTION 8. That the legislature reserves the right to alter, amend or annul this charter at any time hereafter.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 449.

A N A C T

To incorporate the Wellsborough cemetery company ; and relative to the collection of taxes in Washington and Lawrence counties.

Corporators.

Style.

Privileges.

Board of managers to be elected annually.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Benjamin B. Smith, R. G. White, G. M'Leod, John W. Guernsey, John L. Robinson, Josiah Emery, William Bache, James Lowrey and L. C. Nicholls, together with such other persons as may become purchasers of lots for burial purposes, within the tract of land to be set apart for cemetery purposes, be and are hereby made a body politic and corporate in law, under the name, style and title of "The Wellsborough cemetery company," and by that name shall be able and capable in law to use a common seal, to sue and be sued, to implead and be impleaded, and shall have perpetual succession, and may do all such things as are incident to a corporation.

SECTION 2. The affairs of the said company shall be conducted by a board of nine managers, to be elected annually by the lot-holders on the first Monday of September ; and in such elections each person shall be entitled to one vote for every lot he or she may own not exceeding four, and one vote for every four lots beyond four ; the managers shall

have power to purchase any lot of land, not exceeding ten acres, for the purpose of a cemetery, and to lay out and ornament the said tract of land, arrange and sell burial lots, and make such by laws, rules and regulations as they may deem necessary and proper for the protection of the cemetery and the business of the company: *Provided*, That the persons named in the first section of this act shall be managers until others shall be elected; four of the managers shall form a quorum.

SECTION 3. That no street, road or lane shall be hereafter laid out or opened through the said tract of land occupied as a cemetery, without the consent of the managers; and the grounds of said cemetery company shall be exempted from taxation, and the lots in the said cemetery shall not be subject to attachment or execution: *Provided*, That the said exemption from attachment and execution shall not extend to more than four lots of the size originally laid out, held by any one individual: *And provided further*, That nothing herein contained shall be so construed as to exempt the grounds of said cemetery company from taxation for state purposes, or from such assessments or taxations as may be made by the managers for cemetery purposes.

SECTION 4. All laws of this commonwealth now in existence, protecting the grounds of any cemetery from trespass, or the tomb stones or monuments, railing or fences from injury, shall be and the same are hereby extended to this cemetery company.

SECTION 5. That hereafter the money part of the road tax annually levied by the road commissioners of the several townships in Erie county, shall be collected by the several township collectors of state and county taxes under a warrant issued by said road commissioners, which warrant shall state the amount which said commissioners have decided to raise in money; and the said collectors shall have the same powers and compensation as authorized in the collection of state and county taxes, and shall collect and pay over said tax to the town treasurer in three months; and so much of the second section of the act of twenty-sixth March, one thousand eight hundred and forty-six, as is inconsistent herewith, be and the same is hereby repealed.

SECTION 6. That the provisions of the forty-first section of the act entitled "An Act to reduce the state debt, and incorporate the Pennsylvania railroad company," approved the twenty-ninth day of April, eighteen hundred and forty-four, shall apply to the collection of taxes in Washington county.

SECTION 7. That the commissioners of the counties of Beaver and Mercer, respectively, shall on or before the first day of November next, prepare and deliver to the commissioners of Lawrence county, or to their order, a correct copy of the assessments for the fiscal year one thousand eight hundred and forty-nine, of those parts of their respective counties included within the county of Lawrence, including the expense of preparing said copies, to be paid by the commissioners of Lawrence county in the usual way.

SECTION 8. That all the officers heretofore elected in the counties of Beaver and Mercer may hold and discharge the duties of their respective offices during the term for which they may have been elected, as they could or might have done had no division of said counties been made.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 450.

AN ACT

To incorporate the Tioga improvement company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Robert Coleman, William Coleman, Charles Ellis, William Ellis, George W. Aspinwall, William E. Morris and Joel Cadbury, of the county of Philadelphia, and their associates, and such persons as shall hereafter become stockholders in the manner hereinafter provided for, be and they are hereby erected and created a body politic and corporate, by the name, style and title of "The Tioga improvement company;" and by the same name shall have succession, may have a common seal, and the same to break, alter and renew at pleasure; may purchase, take and hold, lands, tenements and hereditaments, sue and be sued, plead and be impleaded, and enjoy all the franchises and privileges incident to a corporation; and shall have power to appoint such officers and agents as may be necessary to manage and conduct the affairs and business of the said company and to carry out its objects, which are the leasing or selling of their lands, and mining or manufacturing the mineral products thereof: *Provided however,* That the amount of land held by said company at any time, shall not exceed three thousand acres.

SECTION 2. For the purpose of carrying into full effect the objects of this act, it shall be lawful for the said company to create a capital stock of not less than fifty thousand dollars, divided into shares of fifty dollars each, with power to increase said capital to an amount not exceeding one hundred thousand dollars, as shall be deemed necessary and expedient by the corporators: *Provided,* That said company shall pay to the state treasurer a tax of one per centum on its capital stock, to be paid in instalments of one hundred dollars each; the first to become due and payable on the first Monday of July, one thousand eight hundred and fifty, and the remaining instalments at intervals of twelve months each.

SECTION 3. The stockholders of the said company shall, at a meeting to be called by the treasurer of the company, on one month's notice in one weekly paper in Tioga county, and one daily paper in Philadelphia, proceed to choose by ballot, in person or by proxy, eight stockholders to be managers, a president and treasurer of the said company, to serve until the second Monday in May then next ensuing, and until other managers shall be elected; and it shall be the duty of the treasurer, or any three directors, if omitted by him, to call an annual meeting of the company on the first Tuesday of May, giving one month's notice of the same, at which meeting the annual election of managers shall be held; a quorum of managers for the transaction of the ordinary business of the company shall consist of not less than five members present; and on all occasions the president shall be entitled to a vote, and the treasurer may be one of the board of managers.

SECTION 4. The persons named in the first section of this act shall appoint two disinterested persons to act as judges of the first election of managers of the said company, and at subsequent elections the managers for the time being shall appoint two disinterested persons to act as

Corporators.

Style.

Seal.

Privileges.

Proviso.

Capital stock.

Proviso.

Notice of meeting to elect managers and officers.

Annual meeting.

Who shall be judges of first elections and at subsequent elections.

judges thereof; and at all elections to be held by the stockholders of the said company, each stockholder shall be entitled to as many votes as he or she may have shares; but no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, except at the first election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his own right or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in right to and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person.

Who may vote.

SECTION 5. That certificates of stock sealed with the common seal of the company, signed by the president, and countersigned by the treasurer thereof, shall be made and issued to the respective holders of stock for the number of shares to which they shall be entitled; and the stock of the company shall be transferable on the books of the same, in the presence of the president or of the treasurer thereof; and the said stock shall always be deemed and taken to be personal estate for all intents and purposes; and semi-annual dividends of the clear profits of the company shall be declared by the managers and paid to the stockholders.

Certificates of stock to be issued

SECTION 6. That full authority is hereby given to any guardian, executor, or administrator or trustee of the heirs of Robert Coleman and William Ellis, or their assigns, to make conveyance to the company hereby created, of the interest of his or her ward or other beneficiary in any lands in Tioga county, and to receive the valuation in the stock of the said company.

Authority given to certain persons to convey lands, &c.

SECTION 7. That this act shall continue in full force and effect for the period of twenty years from the passage thereof and no longer, unless renewed or extended by the legislature; and the legislature reserves the right to alter, amend or annul the charter hereby granted, whenever its provisions may be misused or found injurious to the citizens of this commonwealth; in such manner, however, as to do no injustice to the corporators.

Limitation.

Reservation.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 451.

AN ACT

To incorporate the Somerset Savings Institution.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly*

Corporators.	<i>met, and it is hereby enacted by the authority of the same.</i> That J. F. Cox, Jost J. Stutzman, A. J. Ogle, Isaac Ankeny, Samuel W. Pearson, Samuel Gaither, M. A. Sanner, John Neff, Gillian Lint, John J. Schell, Isaac Hugus, John Casebeer, John Stahl, Josiah P. Walker, John O. Kimmel, M. Tredwell, William Colvin, Edmund Kiernan, George Ross, Cyrus Beauford, John M. Holderbaum, Samuel Philson, Jacob Kimmel, Samuel S. Platt, George A. Clarke, Jonathan Statler, Henry Little, Peter Putnam, John Knable, and all and every other person or persons hereafter becoming members of the Somerset Savings Institution in the manner hereafter mentioned, shall be and hereby are created and made a corporation and body politic, by the name and style of the Somerset Savings Institution, and by that name shall have succession, and be capable by law to purchase, take, hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and to be answered and defended in courts of law and equity, or in any other place whatever, and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever, and to make, have and use a common seal, and the same to change and renew at pleasure; and generally to do every act or thing necessary to carry into effect the provisions of this act, and promote the object and design of said corporation: <i>Provided</i> , That the real estate to be held by said corporation shall be such only as may be necessary for the accommodation of the said corporation as a place of business, not to exceed in value the sum of three thousand dollars, or that may have been purchased by it at sales under execution issued upon judgments or mortgages given to secure debts due to said corporation: <i>Provided also</i> , That this charter shall continue in force for the period of ten years and no longer, unless renewed by the legislature.
Style.	
Privileges.	
Proviso.	
Object.	SECTION 2. The object of this corporation shall be to receive from time to time and at all times, from all persons or corporate bodies disposed to entrust them therewith, such funds as may be deposited with them, and for which they shall pay the depositors such rates of interest as may be from time to time agreed upon by the directors of the said institution, and to give to the depositors of such moneys such deposit books or other evidences of the indebtedness of said corporation, as may be found necessary or convenient in the transaction of the business thereof: <i>Provided</i> , That no evidence of the deposit shall be issued in the nature or similitude of a bank note.
Proviso.	
Annual meeting.	SECTION 3. There shall be a meeting of the members of the said Somerset Savings Institution on such day in the month of July next, at such place as the five persons first named in this act, or any three of them, shall appoint, giving at least ten days' notice of such meeting in two newspapers printed in Somerset; and on such day in the month of July, and at such place annually thereafter as the by-laws of said institution shall provide, for the purpose of choosing from among the members, seven directors to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place; and the five persons first named shall be judges of the first election of directors; and the judges of all future elections shall be appointed by the directors for the time being, and notice of such elections given in such manner as the by-laws shall provide.
Notice.	
Directors to elect president and treasurer.	SECTION 4. The directors for the time being, or a majority of them, shall have power to elect a president and treasurer from their own body; to fix the salary of the treasurer, who alone of the officers of said corporation shall receive any compensation for his services; to appoint such officers and agents as they shall deem necessary to conduct or ex -

cute the business and affairs of the institution, and in their discretion to re-
 to dismiss them ; to provide for the taking of bonds to the corporation receive compensa-
 from all or any of the officers or agents by them so appointed, with se- tion.
 curity, conditioned in such forms as they shall prescribe for the faithful
 execution of their several duties, and secure the corporation from loss ;
 to provide for paying all the necessary expenses of conducting the
 affairs of the corporation, and generally to pass all such by-laws as
 shall be necessary to the exercise of the said powers, and of the other
 powers vested in said corporation by this charter, and the said by-laws
 from time to time alter and repeal : *Provided*, That all such by-laws as Proviso
 shall be made by the directors, may be altered or repealed by two-thirds
 of the members at any annual meeting, or at any general meeting called
 in pursuance of any by-law made for that purpose, and the majority
 of members may at any annual or general meeting, pass by-laws which
 shall be binding upon the directors : *Provided*, That such by-laws shall
 not be contrary to the constitution and laws of this state or of the
 United States.

SECTION 5. That every person who shall subscribe to this act and
 the by-laws made in pursuance thereof, and shall deposit in the hands Who may vote
 of the treasurer the sum of twenty-five dollars, shall be a member of at elections.
 said corporation, and entitled to vote for directors, and on the passage of
 by-laws at any annual or general meeting in the manner following : that
 is to say, every depositor of the sum of twenty-five dollars shall be
 entitled to one vote ; every depositor of the sum of seventy-five dollars
 shall be entitled to two votes ; every depositor of the sum of two hun-
 dred dollars shall be entitled to three votes ; every depositor of the sum
 of five hundred dollars shall be entitled to four votes ; and every additional
 five hundred dollars thereafter shall entitle the depositor to one vote : Proviso.
Provided however, That no person shall deposit or pay in more than
 the sum of five hundred dollars in any one year.

SECTION 6. The said corporation shall be authorized to invest its May invest funds
 funds in public stocks of this state or of the United States, or real se- in certain securi-
 curities, or discount of notes and personal securities : *Provided*, That ties.
 the rate of discount at which loans may be made by the said institution,
 shall not exceed one-half of one per centum for thirty days.

SECTION 7. It shall be the duty of the directors at least once in every
 six months, to appoint from the members of the said corporation, five Directors to ap-
 competent persons as a committee of examination, whose duty it shall point committee
 be to investigate the affairs of said corporation, and to make a report of examination.
 thereof ; and it shall also be the duty of the directors on the first Mon-
 day of January and July, in each and every year, to make and declare
 a dividend of the interest and profits of the said corporation, after pay-
 ing its expenses, and the same to pay over to the stockholders or their
 legal representatives within ten days thereafter.

SECTION 8. The court of common pleas of the county of Somer- Court to appoint
 set shall annually at the last term of the court in each year, appoint three auditors,
 three competent persons, who shall during the month of January there- &c.
 after, examine, audit and settle the accounts of the said corporation, and
 if they shall find the same correct, and that the investments of the said
 corporation have been faithfully made and kept according to law, they
 shall certify the same in a book to be kept by the said corporation, con-
 taining a statement of their affairs, and file a duplicate of said certifi-
 cate in the office of the prothonotary of said court.

SECTION 9. That the legislature hereby reserves the power to alter, Reservation.
 revoke or annul the charter of said savings institution, whenever in
 their opinion it may be injurious to the citizens of this commonwealth ;

in such manner, however, that no injustice shall be done to the corporators.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 452.

AN ACT

To extend the charter of the Franklin Bank of Washington, in the county of Washington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Charter extended
for fifteen years.

the charter of the Franklin Bank of Washington shall be and the same is hereby extended and continued for the purpose of transacting the business of banking, at its present location, for the term of fifteen years from the expiration of the present charter, with the capital stock of one hundred and fifty thousand dollars, subject to the provisions imposed by this act and to the provisions now imposed upon the said bank by existing laws of this commonwealth, and to such further provisions as the legislature may hereafter enact for the general regulation of banks in this commonwealth.

Total liabilities
not to exceed
three times
amount of stock
paid in.

SECTION 2: The total liabilities of the said bank, exclusive of capital stock, shall not at any time exceed three times the amount of its capital stock paid in, nor shall the debts of every kind due and to become due to the said bank ever amount to more than four times its capital stock paid in; and the said bank shall neither loan nor discount when its circulation shall be equal for thirty consecutive days to three times the amount of specie and notes of specie paying banks in its possession belonging to said bank, and any balances standing to the credit thereof in specie paying banks, convertible into specie at the pleasure of the said bank.

Auditor general
may require
statement.

SECTION 3. The auditor general may at any time require the cashier of the said bank to state and return on his oath the amount of the circulation of said bank for any consecutive period of thirty days which he may designate, and also for the same period the amount of specie and notes of specie paying banks in its possession belonging to the said bank, and the balance standing to its credit in specie paying banks convertible into specie at the pleasure of the bank, and also the whole amount of its liabilities and debts due and to become due; and if upon

the return so made it shall appear that any of the provisions of the second section of this act have been violated for the said period of thirty days so designated by the auditor general, he shall give notice thereof to the governor, who shall thereupon issue his proclamation declaring the charter of the said bank to be forfeited.

SECTION 4. If the charter of the said bank shall be forfeited in manner provided in the preceding section, after proclamation made by the governor, then the directors of said bank shall forthwith make and execute an assignment in the manner provided in the act of the twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments, and for other purposes," and it shall thereupon be proceeded in the manner provided in that act; if the directors of the said bank should neglect or refuse to make the assignment provided for in this act, they shall be guilty of a misdemeanor, and upon conviction in any criminal court in the commonwealth, be imprisoned in the jail of the proper county for any period not exceeding two years, in the discretion of the court.

In case of forfeiture of charter assignment to be made.

SECTION 5. If any president, cashier or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence, shall be fined in any amount not less than the sum so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries, as the case may be, to be kept in separate and solitary confinement at labor for any term not exceeding five years: *Provided*, That this shall not prevent any person or persons aggrieved from pursuing his or their civil remedy against such person or persons.

Embezzlement, how punished.

SECTION 6. It shall be the duty of the auditor general to require the said bank, on some discount day to be designated by him in every quarter of the then current year, one of which shall be in the month of November, to make and return to him the exhibits hereinafter provided for, which exhibits the auditor general shall prepare in tabular form and communicate the same to both branches of the legislature within ten days after their meeting: *Provided*, That the first section of the act approved the first April, one thousand eight hundred and thirty six, entitled "An Act requiring the banks of this commonwealth to make quarterly statements to the auditor general," shall not be made applicable to this bank.

Proviso.

Duty of auditor general.

Proviso.

SECTION 7. It shall be the duty of the cashier of the said bank for the time being, to prepare upon the requisition of the auditor general, a just and full exhibit of the affairs and condition of the said bank, on at least four different discount days of the then current year, to be designated by the auditor general, one of which shall be in the month of November, so as to exhibit the entire amount of the assets of the bank and every item thereof, under separate heads; and also the entire amount of the indebtedness and liabilities of the said bank and every item thereof, under separate heads, setting forth on the one side particularly so as to give a full and proper view of all the assets belonging to the said bank: first, the amount of gold and silver in the vaults of the bank; the amount of current notes, checks and bills of other banks; the amount of uncurrent notes, checks and bills of other banks; the amount of any other obligations of other banks; the amount of bills and notes discounted; the amount of the mortgages of the bank, and the assessed value for the preceding year of the real estate bound by such mortgages; the amount of prior mortgages, judgments and other liens; the amount of judgments held by the bank, and the assessed value for the preceding

Exhibit of the condition to be made out by cashier, upon requisition of auditor general.

Exhibit.

year of the real estate bound by such judgments; the amount of prior judgments, mortgages and other liens; the amount of the real estate held and owned by the bank, and the assessed value for the preceding year of each separate piece or parcel of real estate owned by the bank, and its location; the amount due from other banks that are solvent, giving the name of each bank from which the same is due, together with the amount so due by each one of said banks; the amount due from insolvent banks, the names of such banks and the amount due from each one; the amount of public and corporate stocks and loans of the bank, the nature and kind of loans and stocks, designating particularly in what companies or corporations the stocks or loans are held, and the amount of stocks or loans of each company or corporation so held; the amount of bonds held, designating particularly the nature and character of the bonds held and against whom, or what the amount of treasury notes; the amount of claims against individuals or corporations that are disputed or in controversy; the amount of all other debts and claims either due, or to become due, and the value of any other property of the bank as the same stand charged on the books or otherwise; which said exhibit shall also set forth on the other side, the debts and liabilities of the bank on the discount day designated by the auditor general, specifying separately under distinct heads, the various kinds of liability and indebtedness; the amount of capital stock actually paid in; the amount of the circulation; the amount of deposits, certificates of deposits; the amount due the commonwealth; the amount due to corporations; the amount due to banks; the amount due to individuals, and the amount of claims against the bank remaining in controversy, and any other items of indebtedness or liability not embraced in the foregoing specifications.

Further duty of cashier in preparing exhibit.

SECTION 8. It shall moreover be the duty of the cashier in preparing the exhibit required in the preceding section of this act, for the month of November preceding the meeting of the legislature, to state, in regard to each item and sub-division of the assets of the bank, what is, in the judgment and ability of said cashier, the actual marketable cash value of each item of the same, and the amount of current notes of other banks on hand at the time the exhibit is made out, also the amount of uncurrent notes held by the bank.

Exhibit to be verified by oath or affirmation of cashier.

SECTION 9. The exhibit, agreeably to the seventh and eighth sections of this act, shall be verified and accompanied with the oath or affirmation of the cashier of the said bank, duly attested before some officer authorized by law to administer oaths, to the following effect, namely: that he, the said cashier, has carefully examined the books and muniments of the bank, and has compared the same with the said exhibit as far as it is practicable, and that he verily believes that the said exhibit or statement presents a true, fair and full view of the actual condition of the bank; and in addition to the above exhibit made for the discount day in the month of November preceding the meeting of the legislature, shall be accompanied with the oath or affirmation of the cashier of the said bank, setting forth that he has inspected the several items of assets, or the evidence thereof in the said exhibit referred to, as far as is practicable, and that he has according to the best of his judgment and ability, valued each of said items of assets at the absolute cash price which it would produce at the time, and that in his judgment the actual assets of the bank are bona fide worth the amount of the valuation so made by them.

Officers to take oath before entering upon their duties.

SECTION 10. The president, directors, cashier and other officers of the said bank, and of every other bank hereafter chartered, shall, before they enter on the duties of their several offices and stations, severally take an oath, to be administered by some officer authorized by law to

administer oaths, to observe faithfully and honestly the provisions of the several acts of assembly applicable to the bank of which they are directors or officers, or in which they hold stations, and that they and each of them, during their continuance in office, will not knowingly violate or sanction, or willingly permit any of the provisions of the law governing their charter to be violated; the said oath so to be taken shall be subscribed and immediately delivered to the auditor general, to be filed once in his office.

SECTION 11. If any president, director, cashier or other officer of the said bank, or of any other bank hereafter chartered, shall, after having taken and subscribed the oath required by this act, wilfully violate any provision of any act of assembly applicable to the bank of which he is an officer, he shall be taken and deemed to have committed wilful and corrupt perjury, and upon conviction in any criminal court in this commonwealth, he shall suffer such punishment as is inflicted by the laws of this commonwealth on any person guilty of the crime of perjury.

Violation of official oath to be deemed perjury.

SECTION 12. That the said bank shall pay into the treasury of the commonwealth, within three months after the expiration of its present charter, two per centum upon the whole amount of the capital stock thereof: *Provided*, That should said bank at any time hereafter be made the subject of taxation not now provided for by general laws, the per centage so paid shall be credited to said bank on account of said additional taxation.

Per centum to be paid into state treasury.

SECTION 13. Neither the said Franklin Bank of Washington, nor any other bank hereafter chartered, shall issue and put in circulation any bill or note of said bank, payable at any other place than payable on demand, nor of a denomination less than five dollars; and any violation of this section by any officer or officers of said bank or banks, shall be a misdemeanor, punishable upon conviction, by a fine of not less than five hundred dollars, and imprisonment in the jail of the proper county not less than one year.

Not to issue notes of less denomination than five dollars.

SECTION 14. It shall not be lawful for said bank to make or declare any dividend to the stockholders thereof, except from profits actually acquired above the par value of the stock, and no such dividend shall be made at any time, that will in any manner impair or diminish the capital stock of said bank.

Dividend.

SECTION 15. The stockholders of the said Franklin Bank of Washington shall be jointly liable to the creditors of said bank, being note holders, in their individual capacity for the amount of all the notes issued in an amount not exceeding the par value of stock owned and possessed by them respectively, and the manner of enforcing such liability shall be as follows: in case the said bank shall violate the provisions of any law applicable to it, so as to forfeit its charter, or becomes insolvent and in failing circumstances by reason of the mismanagement of its case of insolvent affairs, and is compelled to make an assignment under the provisions of this act, or under the provisions of the act of the twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisement of the assets of the said bank of every description, at their cash value, and also, to make a list of all the debts due by the said bank; and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make such deficiency in proportion to the respective amounts of stock held by each at the time such assignment is made: *Provided*, That their joint liability shall in no case exceed the amount of the par value of their stock.

Individual liability.

Assignment in case of insolventcy.

Assignees.

Proviso.

Duty of assignees.

SECTION 16. It shall be the duty of the assignees aforesaid, to cause a scire facias in the name of the commonwealth of Pennsylvania, to be issued by the prothonotary of Washington county, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas in said county, and show cause why execution should not be issued against them for such amount; and such scire facias shall also set forth the proportions due from each of the said stockholders; and it shall be the duty of the sheriff of said county to serve the said writ upon all stockholders named in said writ residing within his bailiwick; and it shall be lawful for the court of common pleas or a judge in vacation, to make such order in reference to giving notices to stockholders, non-residents of the county, and named in said writ, as the case may require: *Provided*, That the writ of scire facias shall not abate by reason of the non-joinder of any stockholder; and in case it shall appear that one or more persons in said writ named are not liable under the provisions of this act, it shall not vitiate the proceedings against the others.

Proviso.

On return of scire facias, execution may be awarded.

SECTION 17. On the return day of the said writ of scire facias, it shall be the duty of the said court to render judgment against the stockholders named in said writ, for the several amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

Stockholders liable for one year after transfer.

SECTION 18. If the amount assessed on the shares of any stockholder under the provisions of the last section, shall not be collected from such stockholder by reason of his insolvency, or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within one year previous to the assignment of the said bank, shall have received a transfer of the shares, or any portion of the shares then held by him; and any person having made such transfer being made a party by an alias writ of scire facias, shall be liable in the same manner and for the same proportion that he would have been liable had he continued to hold the shares so transferred: *Provided*, That any person having made an assignment or transfer of his or her stock in said bank, may discharge himself or herself from liability under the provisions of this section, by shewing that the transactions or loans which caused the insolvency of said bank, were made after such assignment or transfer, or such part thereof as he or she may shew accrued after such transfer or assignment.

Proviso.

Stockholders at time of assignment proportionally liable and may pay proportionable share.

SECTION 19. Every individual who owned stock in his or her own name, or in the name of any other person or persons at the time of such assignment, shall be deemed liable for his or her proportions under the provisions of this act; but it shall be lawful for any stockholder of the said bank, either before or after process shall have issued, to pay his or her proportionable share of liability to the assignees, and receive a full discharge from them, and the process shall be proceeded in only against the other stockholders that are liable.

Meaning of term stockholder.

SECTION 20. The term stockholder, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency, in the name of another person, and to every person who shall have advanced the instalment or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years; but no trustee appointed by a last will and testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of

twenty-one years, shall be individually liable on account of the shares so held.

SECTION 21. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank; and the courts shall exercise all the powers therein given in addition to the authority conferred by this act to compel a settlement of the accounts of the assignees, and to do any other act necessary and proper to accomplish the purposes of the trust, and to compel the distribution of the moneys and assets in the hands or power of the said assignees, amongst the creditors entitled according to the just proportion due to each as hereinafter provided.

Provisions of certain act made applicable to assignments by this bank.

SECTION 22. The said assignees shall pay out of the assets and property of the said bank, in case of an assignment, the debts and liabilities in the following order:

Order of payment.

First, note-holders.

Second, depositors.

Third, all other creditors, except stockholders, who shall be last.

SECTION 23. If the insolvency of the said bank be wilfully fraudulent, the directors of the said bank by whose acts or omissions the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the directors of the said bank for his proportional share of their respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its re-imbursement.

Frauds, how punished.

SECTION 24. Every insolvency of said bank shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents receiving a compensation for their services, are bound by law to observe.

When insolvency deemed fraudulent.

SECTION 25. The term insolvency used in this act shall be construed to apply to the said bank when it is compelled to make an assignment; and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas of Washington county, verified by oath or affirmation, a full statement of its affairs, containing—

The term insolvency construed.

Directors to file statement of affairs after assignment.

I. An account of the capital stock of the bank, the amount paid in, and the amount thereof held by such corporation.

Statement.

II. The quantity, description and value of the real estate of the said bank.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

IV. The debts owing to said bank, and the amount of said debts that are collectable.

V. The amount of debts owing by said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with an account of its loans and discounts, and of specie on hand.

VI. A particular account of the losses of the corporation and the cause of its insolvency.

VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of the said assignment.

Statement, when to be presented to court.

SECTION 26. If the court shall be in session when the statement is filed, the same shall be immediately presented to the court by the said court.

directors for examination; and if the court shall not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter; and it shall thereupon be the duty of the court to appoint three competent auditors, who shall be sworn or affirmed to make a strict investigation of the affairs of such bank, and of the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity.

Auditors, powers
and duties of.

SECTION 27. The auditors thus appointed shall have power to compel the production of the books and papers and to subpoena and examine the directors and officers of said bank, and generally to have and exercise all the authority now conferred on auditors by existing laws; and after having performed their duties they shall report to the court the result of their investigation, and in case they report that the insolvency was wilfully fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors according to the liabilities imposed by this act.

Court to investi-
gate the matters
contained in re-
port.

SECTION 28. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of said bank was wilfully fraudulent or otherwise; or if they deem it necessary for the purpose of justice, they may direct an issue at the request of any person interested, to try the fact of wilful fraudulent insolvency, and if the judgment of the court upon the report of the auditors or upon the verdict rendered upon such issue, shall be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each according to their several liabilities; and the said court of common pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons then made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said court in cases of trust.

When this act to
take effect.

SECTION 29. The provisions of this act shall go into effect upon the expiration of the present charter: *Provided*, That the stockholders at a meeting to be called for that purpose shall, by a majority of votes present, decide in favor of the acceptance thereof, which acceptance shall be certified to by the officers of the bank, and transmitted to the governor in writing, and filed in the office of the secretary of the commonwealth.

No director to be
drawer, &c., for
greater amount
than \$5,000.

SECTION 30. No director of said bank shall appear as drawer or endorser, or as both drawer and endorser at any one time, for a greater amount than five thousand dollars; and the gross amount discounted for or loaned to all the directors and other officers of said bank, and to houses and firms in which they may be interested, directly or indirectly, shall not exceed at any one time, the sum of thirty thousand dollars.

Reservation.

SECTION 31. The legislature reserves the power to alter, revoke or annul the charter of the said bank, whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner that no injustice be done to the corporators.

Failure to re-
deem notes in
specie deemed a
forfeiture of char-
ter.

SECTION 32. If the said bank shall at any time fail or refuse to redeem its notes and pay its liabilities in gold and silver coin upon demand being made at the banking house of said bank during banking hours, such failure or refusal shall be deemed and held to be an absolute forfeiture of the charter of said bank.

SECTION 33. So much of any act of assembly as is hereby altered or Repealed, supplied, is hereby supplied.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
 GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 453.

AN ACT

Authorizing the governor to incorporate a company to erect a toll bridge over Big Beaver, at Newport, in the county of Beaver.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Davidson, Hugh Moore, Asa Eskles, Asa Freeman, John Noggle, Alvah Leonard, John Book and Samuel Smith, of the county of Beaver, be and they are hereby created commissioners, authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least two weeks' notice thereof in one of the newspapers printed in Beaver county, of the time and place when and where subscriptions will be received; and at the time of subscribing for said stock two dollars shall be paid to the commissioners, or some one of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and the residue of said subscription shall be paid in such instalments, and at such times and places, and to such persons as the president and managers of the company may direct. Commissioners.

SECTION 2. When thirty shares shall have been subscribed, the persons holding the same are hereby created and corporated into a company by the name and title of "The Newport bridge company;" and by that name those who have subscribed, and those that may hereafter subscribe shall have perpetual succession, with all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge or fulfil the intent of this act; and of purchasing and holding to them and their successors, in fee simple, any real or personal estate necessary for the erection of said bridge, and the same to sell and dispose of at their pleasure; and of suing and being sued, pleading and being impleaded in all courts of justice. Style.
Privileges.

Capital stock.	SECTION 3. That the capital stock of said company shall not exceed twelve thousand dollars, and the capital stock of said company shall be divided into shares of ten dollars for each share; and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively, or by them subscribed, at such period, and in such instalments as the directors of said company may order or determine.
Organization.	SECTION 4. As soon as thirty shares of the said capital stock shall have been subscribed, it shall be the duty of the commissioners to give notice in one paper printed in Beaver county, of the time and place of a meeting of the stockholders, who shall, on meeting, proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, five directors, one treasurer and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be appointed; and the said president and directors shall make such by-laws and regulations for the government of said company as they shall think necessary and proper, consistent with the laws of this commonwealth, for the well ordering of the affairs of said company, and fixing upon the site or location of said bridge; and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election; and the stockholders shall meet on the first Monday of January in every year, at such place as shall be fixed on by the president and directors, for the purpose of electing officers for the ensuing year.
Officers.	
By-laws.	
Annual meeting of stockholders.	
Certificates of stock.	SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder, in person or attorney, subject to the payment of any balance that may be due thereon; and the assignee holding such certificate having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock, and of all the estates and emoluments of the company, in proportion to the number of shares by them held, to vote at the meetings thereof as aforesaid; and the president and directors shall meet at such times and places as shall be agreed on for the transaction of business; at such meetings three members shall form a quorum for transacting business; they shall keep minutes of their transactions entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents and agents as they shall think necessary to construct a bridge across Big Beaver, at or near the villages of Newport and Staleysville, and to complete the same and fix the salaries, and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman and attested by the clerk, and do and transact all things by this act and the by-laws and regulations of the company that may be lawful.
Transferable.	
Quorum.	
Location.	
Enter on lands.	SECTION 6. It shall be lawful for the president and directors, their superintendents and engineers and workmen, to enter on lands and enclosures near the place where the bridge is to be built, and to cut and carry off any timber, or dig gravel, quarry stone or gather sand, necessary for building said bridge; also to enter thereon with wagons, carts, sleighs or beasts of burden or draught, and take and carry off any material necessary for the construction of said bridge, doing as little damage to private property as possible, and afterwards making amends for any damage that may be done, which damage, if the parties cannot agree, shall be submitted to three disinterested freeholders chosen by the parties, and if the parties cannot agree on the men, or if either
Damages, how adjusted.	

party on due notice shall neglect or refuse to join in the choice, then said freeholders shall on application be appointed by any justice of the peace within the county not interested, who after being sworn or affirmed shall assess or appraise the damage, and make report thereof to the justice of the peace who appointed them, and the said directors or other persons by them employed after the tender of the appraised value to the owner, may enter, chop, dig, quarry, carry off any material necessary in the building or repairing said bridge.

SECTION 7. That the president and directors of the said company shall keep just and fair accounts of all moneys received by them in any way under the provisions of this act; and also of all the moneys expended by them and all voluntary contributions to said company, and shall at least once a year, or whenever called on, submit their accounts to the inspection of any or all the stockholders. Accounts.

SECTION 8. When a good and complete bridge is erected over the said stream at the place aforesaid, the company, their successors or assigns may demand and receive toll from travelers and others crossing the same, at the following rates: for every score of sheep five cents; Toll. for every score of hogs eight cents; for every score of horn cattle fifteen cents, and so on in proportion for greater numbers; for every horse or mule laden or unladen with rider six cents; for every chair, chaise or sulky with two wheels and one horse ten cents; for every dearborn with one horse, twelve and a half cents; for every chaise, coach, phaeton, chair, wagon, coachee or light wagon with four wheels and two horses, eighteen cents; for either of the last carriages or vehicles with four horses, twenty-five cents; for every other carriage of pleasure, under whatever name it may go, the like sum of toll according to the number of wheels or horses drawing the same; and two oxen shall be rated as one horse or mule; for every foot passenger crossing the bridge two cents; and they shall cause to be put and kept up in some conspicuous place at the gates of said bridge, a list of rates of toll: *And provided*, That the bridge shall be so constructed as not to Proviso. injure or obstruct in any way the navigation of the Big Beaver.

SECTION 9. That if any person shall wilfully cut, destroy or break or remove from off said bridge or any part thereof any piece of timber, stone, plank, chain, bolt or any materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending shall forfeit and pay for every such offence, over and above the damage done to said bridge, the sum of twenty dollars, to be recovered with costs in any court having jurisdiction thereof. Penalty for injuries to property.

SECTION 10. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among the stockholders of said company, in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportions of said income as may by them be deemed necessary for a growing fund for repairing or rebuilding said bridge, and shall on the first Monday of January in each year publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividend of profits shall be declared Dividends. until all expense of building and constructing said bridge shall be fully paid. Proviso.

SECTION 11. The legislature hereby reserves the right to alter, repeal or amend this charter : *Provided*, No injustice be done to the corporators.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 454.

AN ACT

To incorporate the Penn mining and smelting company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Leonard N. Dellicker, Philo S. Shelton, Laurence Turnure, James L. Worth, Samuel D. Karns, Alexander Ramsey, Robert S. Potts, John E. Fox, Robert E. Hobart, William Mintzor and Henry Shafer and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name, style and title of "The Penn mining and smelting company," and as such shall have liberty to buy and lease lands in Chester and Montgomery counties, in the state of Pennsylvania, for the purpose of mining, selling or smelting copper or lead ores, erecting machinery for such purposes, building also miners' houses, cars, and for transacting the usual business of companies engaged in the mining, selling or smelting copper and lead ores; and the said corporation by the said name is hereby duly declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this commonwealth, and generally for the well being of said company whatever may pertain to such bodies politic: *Provided*, That nothing herein contained shall be considered as in any way giving to said company any banking privileges, but that they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *Provided also*, That the said company's purchases of lands in the two counties aforesaid, shall not exceed one thousand acres in all.

SECTION 2. The capital stock of said company shall be and consist of fifty thousand dollars, with liberty to extend the same to one hundred thousand dollars, and the shares of stock shall be ten dollars each, and such stock shall be deemed personal property, and be assignable and

transferable according to such rules as the board of directors shall establish: *Provided*, That said company shall pay to the state treasurer, *Proviso*, within one year from the issuing of letters patent, one per cent. of the capital stock, which said sum shall be exclusively appropriated by the state treasurer towards the redemption of the loans of this commonwealth.

SECTION 3. When the above named Leonard N. Dellicker, Philo S. Shelton, Laurence Turnure, James L. Worth, Samuel D. Karns, Alexander Ramsey, and their associates, successors and assigns shall have subscribed the whole number of shares aforesaid, and paid up two dollars on each share, the governor on due evidence thereof, shall by letters patent under his hand and seal of the state, create and erect the said Leonard N. Dellicker, Philo S. Shelton, Laurence Turnure, James L. Worth, Samuel D. Karns, Alexander Ramsey, and their associates, successors and assigns into one body corporate, by the name and style of "The Penn mining and smelting company" of Pennsylvania. *Letters patent.*

SECTION 4. The affairs of said company shall be managed by five directors, to be chosen annually from the stockholders; the first election shall be held in the city of Philadelphia, within thirty days after letters patent aforesaid shall have been issued, of which election public notice shall be given at least two weeks prior thereto in two or more newspapers printed in the city of Philadelphia, and in one newspaper in each of the counties of Montgomery and Chester, one of which publications shall be in a newspaper published in the borough of Pottstown; and the subsequent elections shall be held annually, at such convenient time and place as the directors shall determine, of which two-weeks' previous notice shall in like manner be given by the president of said company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election the former directors may continue in office until such election shall be held. *Directors.*
First election, when held.
Notice.
Annual election.

SECTION 5. The directors shall be elected by ballot, but no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, either in his own right or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies." *Who may vote at elections.*

SECTION 6. The directors shall as soon as convenient after their election, choose one of their number as president, to serve for one year; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election; at all meetings of the board three directors shall form a quorum to transact business. *Officers.*

SECTION 7. The directors may from time to time call in, on thirty days' notice thereof, by the publication in at least one newspaper printed in Harrisburg, Pennsylvania, and two daily papers printed in the city of Philadelphia, and in one newspaper in each of the counties of Montgomery and Chester, or by personal notice to the stockholders, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one time and place appointed; and if any instalments on the stock so called in shall remain unpaid for the space of thirty days after the time so appointed, every *Stock, how paid in.*

Penalty for non-payment of stock.

such stockholder or his or her assignee shall, in addition to the said instalment so called for, pay at the rate of one per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may, at their election, cause suit to be brought before any alderman, justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Proviso.

Dividends.

SECTION 8. Dividends of so much of the profits of the company as shall appear to the directors advisable shall be declared twice a year, and paid to the stockholders or their legal representatives on demand, at any time after the expiration of ten days after having been declared; but such dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never thereby be impaired; and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable in their individual capacity to said company for the amount of said stock so divided; and each director present when such dividend shall be declared shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders that such dividend may impair the capital of said company: *Provided*, That the president or other proper officer of the said company shall annually in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.

Proviso.

This act to continue for twenty years.

Proviso.

SECTION 9. This act shall continue and be in force until the expiration of twenty years from the passage thereof: *Provided*, It shall be lawful for the legislature at any time to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted, upon failure of the corporators to comply with any and every part of this act, the fact of such violation or failure being first established according to law.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 455.

AN ACT

To erect Elkland village, in the county of Tioga, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Elkland village, in the county of Tioga, shall be set apart and be separate from the township of Elkland, in said county, and the same shall be and is hereby erected into a borough, which shall be called the borough of Elkland, bounded and limited as follows, to wit: bounded on the east by George Dorancey east line extending from the Cowenesque river and running to the New York state line; thence along said line to Jacob Parkhurst west line adjoining M. W. Stull; and thence to the aforesaid river, and along said river to the place of beginning.

SECTION 2. That the provisions of the act of assembly, passed June twelfth, one thousand eight hundred and thirty-nine, relating to the election of justices of the peace, alderman, et cetera, in boroughs, wards and townships in this commonwealth, be and same is hereby extended to the village of Elkland, in the county of Tioga. Relating to election of justices of the peace.

SECTION 3. The provision of existing general laws in relation to the election of officers in boroughs, are hereby extended to the said borough of Elkland. Subject to provisions of general laws, &c.

SECTION 4. That the qualified voters of the borough of Elkland, shall hold their first election for borough officers on the third Friday of May next, and annually thereafter on Friday preceeding the third Monday in February. Annual elections

WILLIAM F. PACKER,
Speaker of the House of Representatives.
GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 456.

AN ACT

To incorporate the trustees of the Howard Sunday school building.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Henry Lelar, John M. Harper, William S. Boyd, William H. Hart, Luther C. Edmunds, William D. Snyder and William A. Solomon, be and they are hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of "The trustees of the Howard Sunday school building," and by that name shall have perpetual succession, shall be able to sue and be sued, plead and be impleaded, and shall be able and capable in law and equity, to take and to hold to them and their successors, by grant, devise or lease, any lands or real estate for the purpose of erecting thereon a suitable building or buildings for the use of the Howard Sunday school association, and such other purposes as the said corporation may deem expedient in communicating moral and religious instruction; also, to take and to hold for the use of the said Sunday school association, any goods, chattels, moneys, effects or estates, real and personal, by grant, gift, bargain, sale, will, devise or bequest from any person or persons whatsoever. *Provided, That the real estate or investments of which the said trustees shall be at any time possessed, shall not exceed the clear yearly income of one thousand dollars.*

Corporators.

Style.

Privileges.

Trustees to purchase ground.

SECTION 2. It shall be the duty of the said trustees to purchase or rent a lot or lots of ground, in the county of Philadelphia, and to erect thereon, or purchase a suitable building or buildings for the accommodation of the Sunday schools connected with the said association.

Seal.

Quorum.

Officers.

SECTION 3. The trustees hereby incorporated shall have power to have and use a common seal, and the same to alter and renew at pleasure, and a majority of them, who shall be a quorum for the transaction of business, shall have power to elect a president, secretary and treasurer from their own body, to appoint such officers and agents as they may deem proper to conduct and execute the business and affairs of the corporation, and to pass all such by-laws as shall be necessary to the exercise of all the powers vested in them by this act, and the said by-laws from time to time to alter and repeal: *Provided, That the said by-laws shall not be contrary to the laws of this state, and of the United States or of this act.*

Vacancies, how filled.

SECTION 4. It shall be lawful for the said board to fill any vacancy that may occur in their body by death, resignation or removal by law of any of the aforesaid corporators or their successors.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 457.

AN ACT

To incorporate the Bank of Danville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Peter Baldy, George A. Frick, John G. Montgomery, Joseph Maus, Jacob Hibler, William Donaldson, William H. Magill, A. F. Russell, David P. Davis, James C. Sproul, T. O. Van Allen, George Leebrick, Lewis Vastine, John Rhodes, John L. Watson, Jacob Gearhart, Hugh M'Williams, George Smith, John Best, John Deen, junior, J. P. Groves, Joseph Paxton, Robert Moore, Thomas Woods, John F. Derr and Joseph Levers be and they are hereby appointed commissioners who, or a majority of whom, are authorized and empowered to carry into effect, from and after the passage of this act, the establishment of a bank to be called and known by the name, style and title of Style. "The Bank of Danville," to be located at Danville, in the county of Columbia, with a capital of two hundred thousand dollars, which shall be divided into two thousand shares of one hundred each, to be managed by thirteen directors: *Provided however,* That this bank shall not go into effect or commence banking business until at least one half of the stock aforesaid shall have been subscribed, and one hundred thousand dollars paid in specie or specie funds. Capital stock. Proviso.

SECTION 2. It shall be the duty of the said commissioners to procure books in which they shall enter as follows, viz: "We whose names are hereto subscribed, do promise to pay to the Bank of Danville the sum of one hundred dollars for every share of stock set opposite to our respective names, in such manner and in such proportions as shall be determined by the board of directors of said bank, in pursuance of an act of the general assembly, entitled 'An Act to incorporate the Bank of Danville.' Witness our hands this day of in the year of our Lord one thousand eight hundred and forty-nine;" and the said commissioners shall permit any person to subscribe for any number of shares of the said stock on paying to the treasurer of the said commissioners ten dollars on each share of stock subscribed. Subscriptions.

SECTION 3. That it shall be lawful for the stockholders to meet at any time previous to the third Monday in November next, after the subscription of the proper amount of stock, and choose by ballot thirteen directors to serve until that time or until others are elected; notice of which election shall be given by the commissioners at least ten days previous thereto in at least two newspapers published in the county of Columbia, and one daily newspaper printed in the city of Philadelphia. Annual meeting and election. Notice.

SECTION 4. A general meeting of the stockholders for purposes relating to the institution may at any time be called, either by the board of directors or by the stockholders owning one-tenth part of the capital stock, on giving at least ten days' notice as aforesaid, and specifying in such notice the object or objects of such meeting; and it shall be the duty of the directors and other officers of the bank, upon demand being Meeting of stockholders, how called.

made by the stockholders so convened, to lay before them a general and particular statement of the affairs of the said bank.

Subject to provisions of certain act.

SECTION 5. That this bank shall be subject to all the general provisions relating to the banking institutions of this commonwealth heretofore provided by law, and subject also to such further provisions and restrictions as the legislature may enact for the further regulation of banking institutions of this commonwealth; and shall be subject to all the liabilities, limitations, penalties and restrictions contained in an act to extend the charter of the Bank of Montgomery County, approved April, one thousand eight hundred and forty-nine, except such provisions contained in the first, twelfth and twenty-ninth sections as are inapplicable to the charter of a new bank; and in case of an assignment by the bank, the statement of its affairs shall be filed in the court of common pleas of the county in which the bank shall be located.

Per centum on stock payable into state treasury.

SECTION 6. That within three months from and after said bank shall commence the business of banking, as provided for by this act, it shall pay into the treasury of this commonwealth two per centum upon the whole amount of the capital thereof: *Provided*, That should said bank at any time hereafter be made the subject of taxation not now provided for by general laws, the per centage so paid shall be credited to said bank on account of said additional taxation.

This act to be in force fifteen years.

SECTION 7. That this act shall continue in force for fifteen years from the date thereof and no longer.

Reservation.

SECTION 8. That the legislature hereby reserves the power to alter, revoke or annul the charter of the said bank, whenever in their opinion it may be injurious to the citizens of this commonwealth; in such manner that no injustice shall be done to the corporators.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 458.

AN ACT

To confirm the title to certain real estate in John Cortright and Isaac Cortright, of Luzerne county; to confer authority upon Peter Winter, guardian of the minor children of George Wingard, deceased; and providing for the appointment of a trustee in the place of John Kerlin, deceased; relative to real estate of Christian Kneass; of Alfred Dunbar; and the Fair Hill estate in the county of Philadelphia; incorporating the Pittsburg and Wheeling railroad company; relative to the manufacturing of iron with coke and mineral coal; relative to the claims of H. E. Atkins and Daniel Bemus; and excepting certain suits from the operation of the act securing the rights of married women; relative to the clerk of the court of quarter sessions in Philadelphia county; and to the orphans' court of York county.

WHEREAS, The last will and testament of Abraham Cortright, late of Luzerne county, deceased, dated September, Anno Domini, one thousand eight hundred and forty, requires his real estate to be valued by men appointed by the orphans' court of said county :

Preamble.

And whereas, The said orphans' court has no power to appoint men to appraise and value the same, and the intention of said will cannot be carried into effect; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the orphans' court of the county of Luzerne shall, on application of any one or more of the devisees under the said will of the said Abraham Cortright, deceased, appoint six judicious men to value and appraise the real estate of the said decedent, as provided for in said will, and make return thereof to the said orphans' court.

Orphans' court of Luzerne county authorized on application for that purpose, to appoint six persons to appraise certain real estate of Abraham Cortright, deceased.

SECTION 2. That upon the return of the said valuation and appraisement to said court, the said court is hereby authorized and vested with jurisdiction to grant, on application of any of the said devisees, a rule on John Cortright and Isaac Cortright, the devisees of said real estate under the said will, to accept or refuse the said real estate at the valuation; and in case the said John Cortright and Isaac Cortright refuse to accept the said real estate at the said valuation, then and in such case the said court may order the same to be sold, and the proceeds thereof brought into court for distribution, according to the provisions of said will: *Provided,* That upon granting an order of sale, the executors shall give a bond with sufficient security, to be approved of by the orphans' court aforesaid, conditioned for the faithful and proper appropriation of the proceeds of such sale, when collected under the directions of said orphans' court.

Further proceedings in reference to said real estate.

Proviso.

SECTION 3. That in case the said John Cortright and Isaac Cortright accept said real estate at the valuation, that it shall be lawful for the said orphans' court to direct and require the said John Cortright and Isaac Cortright to enter into recognizances to secure the other devisees under the said will the payment of their respective shares under the will; and the said recognizances shall be held to bind and be a lien on the said real estate in the same manner as in other cases of recognizances lawfully entered into in the said orphans' court.

Those accepting the said real estate at the valuation to enter into recognizance, &c.

SECTION 4. That the orphans' court of Luzerne county shall have jurisdiction over all proceedings necessary to carry out fully the purposes said court.

Jurisdiction of said court.

of said will, and the choice of said real estate made by the devisees entitled thereto under said will, and all other proceedings under this shall be entered upon the records of the said orphans' court, and be deemed in all respects good and valid.

Preamble.

WHEREAS, George Wingard, late of Luzerne county, Pennsylvania, now deceased, was possessed in his lifetime, of a United States government land warrant, No. 27,119, granted to George Wingard, and dated thirty-first August, eighteen hundred and forty-two, under which no location was made before his death :

And whereas, Peter Winter, esquire, of Luzerne county, by appointment of the orphans' court of said county, is guardian of Adelia Althea B. and George A. Wingard, minor children of said decedent :

And whereas, The warrant aforesaid has since been located in the state of Iowa, and it is desirable that the guardian should possess legal authority to dispose of the same ; therefore,

Peter Winter,
guardian of mi-
nor children of
Geo. Wingard,
deceased, author-
ized to sell cer-
tain real estate.

Proviso.

SECTION 5. That Peter Winter, guardian as aforesaid, is hereby authorized to sell, dispose of and convey the estate obtained under the said warrant, for such price as he may be able to obtain therefor, at private or public sale, and make title by deed or other conveyance to the purchaser or purchasers : *Provided nevertheless*, That the said guardian shall first file a bond with surety in the orphans' court aforesaid, having jurisdiction of his accounts, conditioned for the legal appropriation of the proceeds, which bond and the sale thereafter made shall be approved by said orphans' court.

Preamble.

WHEREAS, John W. Odenheimer, of the city of Philadelphia, by indenture bearing date the tenth day of August, Anno Domini, one thousand eight hundred and twenty six, and duly recorded in the proper office for recording of deeds in Delaware county, Pennsylvania, did grant and convey unto John Kerlin, late of said county; certain lands and tenements as set forth and described in the said deed, upon and for such uses and trusts as is therein expressed, which trust was accepted by the said John Kerlin, who entered upon the execution of the trust, and continued to perform the same until May, one thousand eight hundred and forty-seven, when he died intestate :

And whereas, Said John Kerlin by an instrument of writing dated twentieth October, one thousand eight hundred and thirty-eight, duly recorded in the office for recording of deeds for the city and county of Philadelphia, did thereby acknowledge that he held in trust for Henrietta Odenheimer, a message and lot of ground situated in Pine street, between Fourth and Fifth streets, in the city of Philadelphia, conveyed to him by Mary Riddle, per deed dated August twenty-ninth, one thousand eight hundred and thirty-eight, as more fully described therein, and recorded in the office for recording of deeds in the city and county of Philadelphia ; which property was purchased with the funds of the said trust : *And whereas*, Said message being of frame and out of repair, and the said property requiring improvement and repair, which the party interested is unable to do, so that it may be fully available to her in proportion to its value ; therefore, to the end that the trust may not fail—

Rev. Wm. H.
Odenheimer
substituted in
place of John
Kerlin, deceased,
as trustee, &c.,
under the will of
John W. Oden-
heimer, deceased,
authorized to sell
certain real es-
tate.

SECTION 6. The reverend William H. Odenheimer, of the city of Philadelphia, be and is hereby substituted and appointed in place of said John Kerlin, deceased, as trustee in and under said deeds, with all the same powers, duties and responsibilities, uses and trusts, as declared or intended in the said deeds ; and further, that the said William H. Odenheimer, trustee aforesaid, is hereby authorized to sell at public or private sale, or let on ground rent the aforesaid lot and message on Pine street, and to make a good and sufficient title of conveyance and

assurance in law or equity for the same, which conveyance and assurance shall vest all the right, title and interest in the said lot, messuage and premises which the said John Kerlin held aforesaid; and the proceeds thereof, when sold, shall be paid over or re-invested for the purposes of the trust: *Provided nevertheless*, That in the event of the death of said William H. Odenheimer, or otherwise, the said trust shall become vacant, it shall and may be lawful for the cestui que trust to appoint another suitable person to fill such vacancy, and so whenever by death or otherwise a vacancy shall occur in the same trust. Proviso.

SECTION 7. That Sarah Kneass, James Magee, Horn R. Kneass, Napoleon B. Kneass and Frederick F. Kneass, executors named in the last will and testament of Christian Kneass, late of the city of Philadelphia, deceased, be and they are hereby authorized to sell by public or private sale all that certain three-story brick messuage, or tenement and lot or piece of ground, situate on the west side of Broad street, between the public square and Chestnut street, in the city of Philadelphia, containing in breadth, north and south, eighteen feet, and in length or depth one hundred feet, bounded southward by ground late of William Donogh, westward by ground granted by John H. Brinton to William M'Donough, northward by other parts of the whole lot whereof the premises being described are a part, and eastward by Broad street aforesaid, being the same premises which Solomon Vickers, late of the city of Philadelphia, gentleman, by indenture dated the eleventh day of August, in the year of our Lord, one thousand eight hundred and forty-five, and recorded in the office for recording deeds, &c., for the city and county of Philadelphin, in deed book R L L, No. 43, page 581, &c., granted and conveyed unto the said Sarah Kneass, James Magee, Horn R. Kneass, Napoleon B. Kneass and Frederick F. Kneass, their heirs and assigns, in trust for and upon the uses, intents and purposes mentioned, expressed and declared in and by the last will and testament of the said Christian Kneass, deceased, and to and for no other use, intent and purpose whatsoever, and to make and execute to the purchaser or purchasers thereof a good and sufficient deed or deeds of conveyance and assurance in the law for the same in fee simple; the said purchaser or purchasers not to be liable for the non-application or misapplication of the purchase money; which conveyance and assurance shall vest in such purchaser or purchasers all the estate, right, title and interest in law or equity, which the said Sarah Kneass, James Magee, Horn R. Kneass, Napoleon B. Kneass and Frederick F. Kneass, have and hold in the same, and freed and discharged of and from all and every trust whatsoever, and that the moneys arising from such sale be invested by the said executors agreeably to the intention and meaning of the said Christian Kneass, deceased, as expressed and contained in his last will and testament with respect to his residuary estate. Executors of
Christian Kneass,
deceased, author-
ized to sell cer-
tain real estate.

WHEREAS, A judgment was duly recovered in the district court of Allegheny county, on the sixth day of February, A. D., one thousand eight hundred and thirty-nine, at the suit of George Cochran, of the said county, against Eliza Dunbar Cochran, administratrix of the goods and chattels of Alfred Cochran, late of Natchez, in the state of Mississippi, deceased, for the sum of five thousand two hundred and sixty-eight dollars and sixty-four cents, for a debt due and owing by the said Alfred during his lifetime unto the said George: Preamble.

And whereas, The said Alfred died seized of certain real estate in the said county of Allegheny, which the said judgment was intended to bind, but the said Eliza Dunbar Cochran was a foreign administratrix, during her authority exclusively from and under the laws of the state of Mississippi, and no letter of administration upon the estate of the

said Alfred had been issued in the state of Pennsylvania, by reason whereof the lands of the said Alfred, situate in this state, could not be properly reached under the said judgment:

And whereas, Also, the said Eliza, administratrix as aforesaid, who is also the widow with guardian properly constituted under the laws of the state of Mississippi, and no letter of administration upon the estate of the said Alfred, who are yet minors, hath united with the said George in a petition to the legislature for such relief in the premises as will enable the said George to realize the fruits of his said judgment, as was intended by the parties and as *brought* in right and justice to do; be it therefore enacted, &c.

Certain acts relating to liens, &c., not to apply to a certain judgment in the court of common pleas of Allegheny county.

SECTION 8. That so much of any act or acts of assembly of this commonwealth, as relates to the lien of the debts of a decedent upon his real estate, shall not be held or construed to apply to the said judgment, but that the same may be duly revived and proceeded upon by action of debt or scire facias thereupon, so as to bind the lands of the said decedent, and to authorize a sale thereof as fully and effectually as though the same had been recovered against an administrator acting under the authority of the state, and duly prosecuted in conformity with the existing laws of this commonwealth: *Provided however*, That in any proceeding the widow and heir of the said decedent shall be made parties thereto, and that nothing herein contained shall be construed to prevent the said widow or heir from shewing, if they can, that the said moneys were not due and owing as aforesaid, or that the same have been duly paid and satisfied.

Trustees under the will of Joseph Parker Norris, deceased, &c., authorized to exchange, &c., certain real estate

SECTION 9. That the present trustees of the Fair Hill estate, under the will of Joseph Parker Norris, deceased, and the trustees of Joseph P. Norris, the younger, under said will, be and they are hereby authorized and empowered to grant and exchange, discharged of the trusts of said will, with the commissioners and inhabitants of the Kensington district of the Northern Liberties, all that certain lot or piece of ground part of the said Fair Hill estate, bounded by Somerset street on the north, Lehigh avenue on the south, Eighth street on west and Sixth street on the east, and by Clark's property on the north-east; also all that small triangular lot bounded by Seventh street, Somerset street and Clark's estate, and to have, hold, take and receive in lieu of the above described premises, all that certain lot or piece of ground now belonging to the said the commissioners and inhabitants of the Kensington district of the Northern Liberties, bounded by Lehigh avenue on the north, Huntingdon street on the south, Apple street on the east and Sixth street on the west: *Provided*, That a majority of all the persons having a vested interest in the said premises, under the will of the said Joseph Parker Norris, at the time of the said exchange, shall consent to the same, and that the piece of land received in exchange by the said trustees, shall be conveyed to and held by them upon the same trusts as the land conveyed by them in exchange was held at and before the time of such exchange; and the piece of land so conveyed to the said trustees in exchange, shall be held by them and by their successors in the trust, and by their heirs, under and subject to all the rights, powers and authorities heretofore granted to, or conferred upon the said trustees, and to the different provisions made in regard to the same by sundry acts of assembly, authorizing the said trustees to do certain acts; and shall also be subject to the power of partition given by the said will, which shall in no case be prejudiced by such exchange.

Proviso.

Part of Seventh and Amber streets vacated.

SECTION 10. That Seventh street, running from Lehigh avenue to Somerset street, and Amber street, from Cumberland street to the

Frankford road, as respectively laid down in the plan of the said Fair Hill estate, be and the same are hereby vacated.

SECTION 11. That Jacob Shriner, James C. Acheson, Neville B. Craig, Alexander McKee, William Larimer, Jr., Dr. George S. Hays, William Lee, Stephen Woods, William Rogers, William H. Denny, William J. Totten, W. W. Wallace, Thomas Scott, William Eichbaum, James Crossan, T. M. T. McKennan, J. L. Gow, Dr. J. F. Lemoyne, John H. Ewing, Wm. M'Daniel, John Johnston, H. M. Wilson, John Bausman, Seth T. Hurd, William Hopkins, Joseph Vaneman, Henry Morningner, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The Pittsburg and Wheeling railroad company," with power to construct a railroad at the city of Pittsburg, and running in the direction of Wheeling to the Virginia state line, and to connect with any other railroad which may be constructed in the state of Virginia, with the view of effecting a railroad connection with the city of Wheeling, subject to all the provisions and restrictions of an act regulating railroad companies, approved the twentieth day of February, one thousand eight hundred and forty-nine.

Pittsburg and
Wheeling rail-
road.

Subject to act
regulating rail-
road companies.

SECTION 12. That the capital stock of said company shall consist of one million of dollars: *Provided*, That the said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock, if it shall be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act.

Capital stock.

Proviso.

SECTION 13. That if said company shall not commence the construction of said road within three years, and complete the same within seven years thereafter, this act shall be null and void, except so far as the same may be necessary to settle up the affairs and pay the debts of the company.

Commencement
and completion
of road.

SECTION 14. That it shall be lawful for the directors elected under the provisions of the act, entitled "A supplement to an act, entitled 'An Act to encourage the manufacture of iron with coke or mineral coal, and for other purposes,'" approved June sixteenth, one thousand eight hundred and thirty-six, to supply any vacancy in their body caused by death or resignation.

Relative to filling
vacancies in
board of direc-
tors, authorized
in certain act.

SECTION 15. That the canal commissioners be and they are hereby authorized and required to examine the claim of H. E. Atkins and company, for damage done to their cars on the Philadelphia and Columbia railroad, and report thereof to the legislature.

Canal commis-
sioners authorized
to examine
claim of H. E.
Atkins.

SECTION 16. That the canal commissioners be and they are hereby authorized and required to examine the claim of Daniel Bemus for damage to his mills and other property on the French Creek feeder, caused by the flood of 1837, assess the same, and report the amount thereof to the legislature.

Daniel Bemus.

SECTION 17. That the canal commissioners be also authorized and required to assess the damage done to the said Daniel Bemus by the reduction of the height of the feeder dam on French creek, and report the same, with the facts connected therewith, to the legislature.

Relative to dam-
ages sustained by
Daniel Bemus.

SECTION 18. That the twelfth section of an act passed the eleventh day of April, Anno Domini, one thousand eight hundred and forty-eight, entitled "A supplement to an act, entitled 'An Act relative to the Le Raysville Phalanx,' passed March, Anno Domini, one thousand eight hundred and forty-seven, and relative to obligors and obligees; to secure the rights of married women; in relation to defalcations, and to extend the boundaries of the borough of Ligonier," shall not be so construed as to apply to suits then pending either in the supreme court or in any of the courts of common pleas or district courts.

Clerk of quarter sessions of Philadelphia county, fee of, in certain cases.

Legatees under the will of Casper Coxen, authorized to file exceptions to certain report.

SECTION 19. That the clerk of the court of quarter sessions of Philadelphia county shall be entitled to receive a fee of one dollar for preparing and filing any bond necessary or required in granting tavern licenses in the city and county of Philadelphia.

SECTION 20. That the orphans' court of York county is hereby empowered to grant leave to the legatees under the will of Casper Coxen, late of said county, deceased, to file exceptions in said court to the report of distribution of said testator's estate, confirmed nisi on the second day of May, one thousand eight hundred and forty-eight, with the same effect as though they had been duly filed within six weeks after the filing of said report: *Provided*, Application for leave as aforesaid be made at the next term of said court, commencing on the fourth Monday of April, one thousand eight hundred and forty-nine, or at the next succeeding term.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 459.

AN ACT

To annul the marriage contract between Thomas Elliott and Mary Elliott.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the marriage contract entered into between Thomas Elliott and Mary Elliott, of the county of Bedford, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

We do certify that the bill, entitled "An Act to annul the marriage contract between Thomas Elliott and Mary, his wife," was presented to the governor on the twenty-eighth day of March, one thousand eight hundred and forty-nine, and was not returned within ten days (Sun-

days excepted) after it had been presented to him; wherefore it has, agreeably to this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.
 SAM'L W. PEARSON,
Clerk of the Senate.

HARRISBURG, *April 10, 1849.*

No. 460.

AN ACT

To erect Saegerstown, in the county of Crawford, into a borough, to be called and known by the name of the borough of Saegerstown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Saegerstown, in the county of Crawford, shall be and the same hereby is erected into a borough, which shall be called the borough of Saegerstown, and shall be comprised within the following boundary, to wit: beginning at French creek at the west end of the private road running between the lots of Charles D. M'Gill and William P. M'Gill's heirs; thence east along said road one mile, more or less, to the north-east corner of a lot now in the possession of Isaac Saeger; thence south one mile, more or less, to the south-east corner of the land now in the possession of Peter Biege; thence west by said Biege, Henry Strause and James Goes' lands to French creek; thence up said creeek by its various windings to the place of beginning; containing an area of one square mile more or less.

Incorporate.

Boundaries.

SECTION 2. It shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough three months previous to such election, to meet at the frame school house in the said borough on the third Friday of March in every year, except the first year, when they shall meet on the first Friday in May, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein who shall be styled the burgess of said borough, and five citizens residing therein who shall be a town council; but previously to said election the judges, inspectors and clerks shall be elected and appointed as such officers are elected and appointed under the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for malpractices as by the said law is imposed; and the said judge, inspectors and clerks before they enter upon the duties of their offices shall each take an oath or affirmation before any justice of the peace of the said county; but if no justice of the peace be present at the election, the

Who may vote at elections.

Annual election.

Burgess, &c.

Election officers subject to general election laws, &c.

Who may administer oaths.

Duplicate returns
to be made out.

judge, after having first the oath or affirmation required administered to him by one of the inspectors, shall administer the oaths or affirmations to the inspectors and clerks to perform the same with fidelity, and after the said elections shall be closed shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot to be drawn by the judge and inspectors, whereupon duplicate returns thereof shall be signed by the said judge and inspectors, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of the death, resignation, removal or refusal to accept, or neglect or refusal to act after acceptance of any of the said officers, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or where there is no high constable, or where he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in the manner aforesaid to supply such vacancy, giving at least ten days' notice thereof, by advertisements set up at four of the most public places in the said borough.

When this act to
take effect.

Privileges and
powers.

SECTION 3. From and after the first Tuesday in May next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of "The burgess and council of Saegerstown." and shall have perpetual succession, and the said burgess and town council aforesaid and their successors, shall be capable in law, to receive, hold and possess goods, chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments to them and their successors in fee simple or otherwise, not exceeding the yearly value of five hundred dollars; and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents, and by the same name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

Officers elected
refusing to act
subject to penalty.

SECTION 4. If any person an inhabitant of the said borough duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay a fine of ten dollars; and if any other person duly qualified as aforesaid, shall be duly elected to any other office in said borough enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay a fine of five dollars, which fines, forfeitures and all others in pursuance of this act, or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided*, That no person shall be compelled to serve more than one year in any term of three years, and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law, to prosecute his or their appeal with effect, who shall on the petition of the party take such order therein as shall appear to them just and reasonable, and the same shall be conclusive to all parties.

Proviso.

Officers to take
and subscribe

SECTION 5. The burgess shall take and subscribe an oath or affirmation before one of the associate judges, or justice of the peace for the

county of Crawford, to support the constitution of the United States and of this state, and an oath or affirmation well and truly to execute the office of burgess of the borough of Saegerstown, and when so qualified, he shall administer an oath or affirmation to the council, high constable and town clerk, in the manner and form aforesaid, before they shall enter on the duties of their respective offices; the certificates of which oaths or affirmations shall be filed among the records of the said corporation.

SECTION 6. The town council may meet by their own authority as occasion may require, or upon the summons of the burgess; they shall have power to enact by-laws, and to make such rules, regulations and ordinances as shall be determined on by a majority of the whole council, necessary to promote the peace, good order and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares and common ground, if any belong to said town, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew as the occasion may require, and also to assess, levy and collect a tax for said purposes, and also annually to appoint a town clerk, treasurer, street commissioner and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough: *Provided*, That the said ordinances, rules and regulations shall not be repugnant to the constitution and laws of the United States or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year to exceed one-half of a cent in the dollar, on the valuation of taxable property taken from the last assessment, unless some objects of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid in their said borough, shall as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.

Power to enact by-laws.

May levy tax.

Proviso.

SECTION 7. It shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same; and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the town council, and his attestation with the corporation seal shall be good evidence of the thing or act so certified.

Duty of town clerk.

SECTION 8. The treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors, of all moneys, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose.

Treasurer to give security.

SECTION 9. The street commissioner, treasurer and constable, as well as all other officers who may be appointed by the council, shall render their accounts to the council once in every year for settlement; and the said accounts being adjusted and settled, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected and the expenditures.

Officers to render accounts.

SECTION 10. It shall be the duty of the high constable to give notice of the election, by setting up advertisements in three public places in the said borough ten days previously thereto, and shall attend and see that the same is observed at the time and in the manner directed by this act.

Duty of high constable.

SECTION 11. It shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Saegers-town, at the same time and places where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of quarter sessions of the said county, one of whom shall be appointed by the said court, constable of said borough, with like power and authority and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that hereafter may be passed concerning borough constables within this commonwealth; and the said constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, if appointed high constable by the council in pursuance of this act, and of the by-laws and ordinances of said borough; and the said constable shall have, exercise and possess all the powers and duties of the constables elected in the several townships in the said county of Crawford, and shall if not possessed of a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars, enter into a bond to that amount, with at least one sufficient surety, to be approved of by the court of quarter sessions of said county, in the same manner as now with reference to the several constables of the several counties within this commonwealth, and for the same uses and trusts to all intents and purposes, and the same penalties imposed for neglect or refusal to serve; and in case a vacancy shall occur by death, refusal to serve, or any other cause, the said court shall appoint as they have power to do in such cases in the several townships of this commonwealth.

High constable to be elected, and duties of.

If not a freeholder, to give security.

Court of appeal constituted.

Notice of appeal to be given.

In absence of burgess who may perform duties.

Quorum.

Superintendent of first election.

SECTION 12. The burgess, one member of the council and treasurer, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax and the place where the appeals will be held, the clerk shall notify each taxable by a written notice in the usual form and manner, at least ten days before the day of appeal; and when the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer, and he is hereby authorized to issue his precept directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of the county rates and levies by the laws of this commonwealth, and the amounts so collected shall be paid into the treasury for the use of the corporation.

SECTION 13. In the absence of the burgess from the borough, or his inability to act, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burgess by this act, or may be enjoined by the by-laws which may be passed in pursuance of the same.

SECTION 14. In any meeting of the burgess and town council, it shall require at least three of the council to form a quorum to do business; but in passing the by-laws and ordinances, it will require a majority of the whole number.

SECTION 15. Edward Saeger and George Floyd, of said town, or either of them, shall publish and superintend the first election for borough officers to be held on Tuesday, the third day of May next after the passage of this act, at the place appointed by law for holding the annual elections for said borough; and they are hereby directed to give five days' notice by advertisement as before directed in other cases of holding elections, of the time and place of holding the same.

SECTION 16. The election for justices of the peace shall be held at the time and in the manner as directed by the general election law on that subject: *Provided*, That nothing herein enacted shall affect the office of any justice of the peace in the township from which this borough is separated. Election of justice of the peace.

SECTION 17. All the taxes collected by said borough shall be expended exclusively within their own boundaries for the repairs of their own streets, and the other purposes heretofore enumerated; and no property within said borough shall, after the passage of this act, be subject to a road tax for township purposes: *Provided*, That this act shall not be so construed as to prevent or exonerate the citizens of said borough from paying their quota of tax levied for the purpose of building a town house in the township of Woodcock. Taxes, how expended.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 461.

AN ACT

To confer on Clarissa Augusta Hess, of Columbia county, the rights and privileges of a child born in lawful wedlock; relative to real estate of German Lutheran church; of James M'Alpin, Churchhill Houston; and in reference to the Bank of Kentucky.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Clarissa Augusta Hess, daughter of Thomas K. Hess and Sarah H. Hess, of Mifflin township, Columbia county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if she had been born in lawful wedlock. Legitimate.

SECTION 2. That the ministers, vestrymen and church wardens of the German Lutheran congregation in and near the city of Philadelphia, German Lutheran congregation of Philadelphia, be authorized to let on ground rent for a term of years, such parts of the real estate of which they are seized, whether improved or vacant, as they may deem necessary and proper; said ground rents to be reserved in such amounts and in such manner and form as the said ministers, vestrymen and church wardens may deem expedient, and in addition thereto to receive such further pecu- to let certain real estate on ground rent.

niary consideration for said leases as may be agreed upon with the parties to whom the same shall be leased; said sums of money so received, and the income of said ground rents, to be applied to the payment of the debts of said corporation, and such other purposes as may fall within the purport of their charter, but without any liability on the part of the lessees to see to the application thereof.

Lessees may be released from payment of certain rents.

SECTION 3. That the lessees under any leases now made or hereafter to be made by said corporation, may, at the option of said ministers, vestrymen and church wardens, be exempted and released from payment of the rents received during the terms for which said leases are or shall be granted, upon payment by said lessees of the principal sum or sums, the interest wherewith six per cent. would purchase such rents, and an additional sum of five per cent. on such capital sum; and any other acts inconsistent therewith, be and the same are hereby repealed: *Provided*, That such releases shall not be construed to divest the title of said ministers, vestrymen and church wardens aforesaid, in the property so leased, at the expiration of said lease or leases.

Certain persons authorized to sell, &c., certain real estate of James M'Alpin, deceased.

SECTION 4. That John Harding, Jr., Alexander Tower, Mary Somerville and Mary M'Alpin, executors and trustees of the estate of James M'Alpin, deceased, and the survivors and survivors of them, be and they are hereby authorized to sell or lease upon ground rent, the real estate devised by the last will and testament of James M'Alpin, or any part thereof: *Provided*, That the proceeds thereof or the ground rent thereby received, shall enure to the said uses and trusts as are devised and directed by the said last will and testament: *And provided further*, That said trustees shall give security satisfactory to the court of common pleas of the city and county of Philadelphia, for the faithful application of the proceeds, agreeably to the directions of the said last will and testament.

Executors of Churchill Houston authorized to sell certain real estate.

SECTION 5. That James Woodward, John Farnham and Warner Justice, executors of the last will and testament of Churchill Houston, deceased, late of Philadelphia, be and they are hereby authorized to sell, either at public or private sale, and to convey in fee simple, all the right, title and interest of the said Churchill Houston, deceased, at the time of his death, of, in and to any or all of the lands, tenements and hereditaments situated within the said county of Philadelphia, as well as the county of Schuylkill, and to make and execute to the purchaser or purchasers thereof, good and sufficient conveyances and assurances in law for the same, which shall vest in such purchaser or purchasers all the estate, right, title and interest in law and equity, which the said Churchill Houston held in the same, as fully and completely, and with like effect as if the said conveyances and assurances had been made and executed by the said Churchill Houston in his lifetime: *Provided*, That before any deed or conveyance shall be executed for the same, the said executors shall report the sale to the orphans' court of the county of P., in which said real estate is situate, to be there approved by said court, if, in their opinion the same is beneficial to the estate of said decedent: *And provided further*, That before any deed of conveyance shall be executed for the same, the said executors shall file in the office of the clerk of said court, a bond, to be approved by said court, and conditioned for the faithful application of the money arising from such sales, to the persons entitled to receive the same under the will of Churchill Houston, deceased.

Proviso.

Bank of Kentucky may hold certain real estate.

SECTION 6. That a certain corporation chartered by the state of Kentucky, and called the president, directors and company of the Bank of Kentucky, may hold any real estate in the commonwealth which they have or may hereafter take, directly or indirectly, in consideration of

any debt or claim now or heretofore due to them by any person or persons, body politic or corporate of this commonwealth.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 462.

AN ACT

Incorporating the Allegheny Saving Fund company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Henry Irwin, Jacob Geyer, John Morrison, Wm. Miller, Henry Har-
men, David Dehaven and John Fleming, together with the other persons
who do now constitute the stockholders of the Allegheny Saving Fund
company, or such persons as shall hereafter become stockholders of the
same, shall be and are hereby created a corporation and body politic,
by the name and style of "The Allegheny Saving Fund company,"
and shall so continue until the first day of March, in the year of our
Lord, one thousand eight hundred and sixty-four; and by that name
shall and may sue and be sued, plead and be impleaded, defend and be
defended; and by that name are hereby made able and capable in law
to have, purchase, receive, possess, enjoy and retain, to them and their
successors, such real estate as may be necessary for the transaction of
their business, not exceeding in value twenty-five thousand dollars, ex-
cept such as may be held by said company as security for debts, and
the same to sell, grant or demise; also, to make, have and use a com-
mon seal, and the same to alter and renew at pleasure; and also, to es-
tablish and put in execution all such by-laws and regulations as they
shall deem necessary for governing, conducting and regulating said com-
pany.

Corporators.

Style.

Privileges.

SECTION 2. That the joint stock, and all the goods, chattels, money, debts and other property, real or personal, now belonging, or due and payable, or to become due and payable to, or held in trust for the said company, shall be and the same are hereby transferred to, or vested in the corporation hereby created; and all contracts made with the said company, or any person or persons for their use, shall enure and operate for the benefit of, and be performed to and with the said corporation; and that the said corporation shall be liable for all contracts entered into by said company before the passage of this act: *Provided*, That this section shall not be construed so as to exonerate the stockholders from their individual liability for all debts contracted previous to the passage of this act.

Property of said company transferred to and vested in the corporation created by this act.

Proviso.

- Capital stock.** SECTION 3. That the capital stock of said company shall consist of two hundred and twenty-five shares, which shall be paid in such instalments as the said corporation may by their by-laws direct, until the same shall amount to not less than fifty thousand dollars, and not more than one hundred thousand dollars: that any person or persons at the time of subscribing for said stock, shall pay on each and every share subscribed for by them, a sum equal to the amount that may then have been paid on each share then before subscribed for and paid in by other members of said company, and thereafter continue to pay such instalments as are paid in by other members of said company, under such fine as may be imposed for the non-payment of the same by the by-laws: *Provided*, No person shall be allowed to hold more than ten shares of the stock of said company in his or her own right.
- Who may subscribe.**
- Provided.**
- Location of office.** SECTION 4. That the said company shall keep their office in some suitable place in the city of Allegheny: the affairs of said company shall be conducted by seven directors, to be chosen as hereinafter provided for; that the said directors, or a majority of them, shall elect a treasurer and president, and such other officers as they may deem necessary, and fix the compensation of the same: *Provided*, That the president shall be elected annually at the next meeting of the board of directors after the second Tuesday of April, and he shall be chosen out of said directors; and all officers shall give bonds in such sum as may be required by said board, for the faithful performance of their several duties.
- Directors.**
- Officers.**
- Provide.**
- Annual election of directors.** SECTION 5. That on the second Tuesday of April after the acceptance of this charter, and on the second Tuesday of April annually thereafter, after two weeks' previous notice, the stockholders shall convene, and by ballot elect seven persons for directors, (one of whom shall be president,) who shall continue in office for one year: *Provided however*, That no person shall be elected who is not a member of said company, nor any person who is a director or officer in any other saving fund company or banking institution, or broker, shall be elected as a director; and that all vacancies occasioned by death, resignation or refusal to serve, shall be supplied in such manner as said company may by their by-laws and ordinances direct.
- Provide.**
- What lands, tenements, &c., it shall be lawful for said company to receive, hold and dispose of, &c.** SECTION 6. That the lands and tenements and hereditaments made lawful by this act for said company to receive, hold and dispose of by sale or otherwise, shall only be such as are requisite for its accommodation in the transaction of the business of the company, and such as shall be bona fide mortgaged or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased when the same may be necessary to secure any debts due to the said corporation: *And provided further*, That the said corporation shall not of itself, or by or through any person whatever, in trust or in confidence, deal or trade, in buying or selling any goods, wares or merchandize whatsoever, except in such goods as are really and truly transferred to them in payment of debt or in security of loan, or which goods may be the produce of lands owned by them.
- Deposit.** SECTION 7. That it shall be lawful for the said corporation to receive deposits of money and loan out the same, together with any other moneys they may have, by discounting negotiable notes, drafts and bills of exchange, and to issue certificates for such deposits.
- What amount may be loaned to stockholders.** SECTION 8. That said directors may loan to any stockholder any amount not exceeding two-thirds of his capital stock paid in, on his individual note or account, without an endorser; and the amount so loaned shall be a lien on his stock to the amount of the said note or sum loaned, together with all interest and cost whatsoever due by virtue of said loan;

and he shall not sell, dispose of or transfer such stock until such loan shall be paid in full: *Provided*, That no stockholder who is drawer or endorser of any other note shall be entitled to obtain a stock loan under the provisions of this section.

SECTION 9. That said company shall be subject to all the general laws regulating banks and saving institutions, so far as the same are applicable. Subject to general law regulating banks, &c.

SECTION 10. The power to alter, revoke or annul this charter, is hereby reserved to the legislature, whenever in their opinion it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators. Reservation.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 463.

AN ACT

To extend the charter of the Monongahela Bank of Brownsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the charter of the Monongahela Bank of Brownsville shall be and the same is hereby extended and continued for the purpose of transacting the business of banking, at its present location, for the term of fifteen years from the expiration of its present charter, with the capital stock of two hundred thousand dollars, subject to the provisions imposed by this act, and to the provisions now imposed upon the said bank by existing laws of this commonwealth, and to such further provisions as the legislature may hereafter enact for the general regulation of banks in this commonwealth; and the directors of the said Monongahela Bank of Brownsville are hereby required to call in the full amount of the capital stock of said bank, within three months after the expiration of its present charter. Charter of Monongahela Bank of Brownsville extended for fifteen years.

SECTION 2. The total liabilities of the said bank, exclusive of capital stock, shall not at any time exceed three times the amount of its capital stock paid in, nor shall the debts of every kind due and to become due to the said bank ever amount to more than four times its capital stock paid in; and the said bank shall neither loan nor discount when its circulation shall be equal for thirty consecutive days to three times the amount of specie and notes of specie paying banks in its possession belonging to the said bank, and any balances standing to the credit thereof in specie paying banks, convertible into specie at the pleasure of the said bank. Liabilities not to exceed four times the amount of stock paid in.

SECTION 3. The auditor general may at any time require the cashier of the said bank to state and return on his oath, the amount of the circulation of said bank for any consecutive period of thirty days Auditor general may require statement.

which he may designate, and also for the same period the amount of specie and notes of specie paying banks in its possession belonging to the said bank, and the balance standing to its credit in specie paying banks, convertible into specie at the pleasure of the said bank, and also the whole amount of its liabilities and debts due and to become due; and if upon the return so made it shall appear that any of the provisions of the second section of this act have been violated for the said period of thirty days so designated by the auditor general, he shall give notice thereof to the governor, who shall thereupon issue his proclamation, declaring the charter of the said bank to be forfeited.

SECTION 4. If the charter of the said bank shall be forfeited in manner provided in the preceding section, after proclamation made by the governor, then the directors of said bank shall forthwith make and execute an assignment in the manner provided in the act of the twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments, and for other purposes;" and it shall thereupon be proceeded in the manner provided in that act; if the directors of the said bank should neglect or refuse to make the assignment provided for in this act, they shall be guilty of a misdemeanor, and upon conviction in any criminal court in the commonwealth, be imprisoned in the jail of the proper county for any period not exceeding two years, at the discretion of the court.

SECTION 5. If any president, cashier or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence shall be fined in any amount not less than the sum so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries as the case may be, to be kept in separate and solitary confinement at labor for any term not exceeding five years: *Provided*, That this shall not prevent any person or persons aggrieved from pursuing his or their civil remedy against such person or persons.

SECTION 6. It shall be the duty of the auditor general to require the said bank, on some discount day to be designated by him, in every quarter of the then current year, one of which shall be in the month of November, to make and return to him the exhibits hereinafter provided for; which exhibits the auditor general shall prepare in tabular form and communicate the same to both branches of the legislature, within ten days after their meeting: *Provided*, That the first section of the act approved the first April, one thousand eight hundred and thirty-six, entitled "An Act requiring the banks of this commonwealth to make quarterly statements to the auditor general," shall not be made applicable to this bank.

SECTION 7. It shall be the duty of the cashier of the said bank for the time being, to prepare, upon the requisition of the auditor general, a just and full exhibit of the affairs and condition of the said bank, on at least four different discount days of the then current year, to be designated by the auditor general, one of which shall be in the month of November, so as to exhibit the entire amount of the assets of the bank, and every item thereof under separate heads, and also, the entire amount of the indebtedness and liabilities of the said bank, and every item thereof under separate heads, setting forth on the one side particularly, so as to give a full and proper view of all the assets belonging to the said bank: first, the amount of gold and silver in the vaults of the bank; the amount of current notes, checks and bills of other banks; the amount of uncurrent notes, checks and bills of other

In case of forfeiture of charter, assignment to be made.

Embezzlement, how punished.

Proviso.

Duty of auditor general.

Proviso.

Cashier to make out exhibit on requisition of auditor general.

Exhibit.

banks ; the amount of any other obligations of other banks ; the amount of bills and notes discounted ; the amount of the mortgages of the bank, and the assessed value for the preceding year, of the real estate bound by such mortgages ; the amount of prior mortgages, judgments and other liens ; the amount of judgments held by the bank, and the assessed value for the preceding year, of the real estate bound by such judgments ; the amount of prior judgments, mortgages and other liens ; the amount of the real estate held and owned by the bank, and the assessed value for the preceding year, of each separate piece or parcel of real estate owned by the bank, and its location ; the amount due from other banks that are solvent, giving the name of each bank from which the same is due, together with the amount so due by each one of said banks ; the amount due from insolvent banks, the names of such banks and the amount due from each one ; the amount of public and corporate stocks and loans of the bank, the nature and kind of loans and stocks, designating particularly in what companies or corporations the stocks or loans are held, and the amount of stocks or loans of each company or corporation so held ; the amount of bonds held, designating particularly the nature and character of the bonds held and against whom, or what the amount of treasury notes ; the amount of claims against individuals or corporations that are disputed or in controversy ; the amount of all other debts and claims either due or to become due, and the value of any other property of the bank, as the same stand charged on the books or otherwise ; which said exhibit shall also set forth on the other side, the debts and liabilities of the bank on the discount day designated by the auditor general, specifying separately, under distinct heads, the various kinds of liability and indebtedness ; the amount of capital stock actually paid in ; the amount of the circulation ; the amount of deposits, certificates of deposits ; the amount due the commonwealth ; the amount due to corporations ; the amount due to banks ; the amount due to individuals, and the amount of claims against the bank remaining in controversy, and any other items of indebtedness or liability not embraced in the foregoing specifications.

SECTION 8. It shall moreover be the duty of the cashier, in preparing the exhibit required in preceding section of this act, for the month of November preceding the meeting of the legislature, to state in regard to each item and sub division of the assets of the bank, what is in the judgment and ability of said cashier the actual marketable cash value of each item of the same ; and the amount of current notes of other banks on hand at the time the exhibit is made out ; also, the amount of uncurrent notes held by the bank.

Further duties of cashier in preparing exhibit.

SECTION 9. The exhibit agreeably to the seventh and eighth sections of this act, shall be verified and accompanied with the oath or affirmation of the cashier of the said bank, duly attested before some officer authorized by law to administer oaths, to the following effect, namely : that he, the said cashier has carefully examined the books and muniments of the bank, and has compared the same with the said exhibit as far as it is practicable, and that he verily believes that the said exhibit or statement presents a true, fair and full view of the actual condition of the bank ; and in addition to the above exhibit made for the discount day in the month of November preceding the meeting of the legislature, shall be accompanied with an oath or affirmation of the cashier of the said bank, setting forth that he has inspected the several items of assets, or the evidence thereof in the said exhibit referred to, as far as is practicable, and that he has according to the best of his judgment and ability valued each of said items of assets at the absolute cash price which it would produce at the time, and that in his judgment the actual assets

Exhibit to be verified by oath of cashier.

of the bank are bona fide worth the amount of the valuation so made by him.

Officers to take oath before entering upon duties.

SECTION 10. The president, directors, cashier and other officers of the said bank, and of every other bank hereafter chartered, shall before they enter on the duties of their several offices and situations, severally take an oath, to be administered by some officer authorized by law to administer oaths, to observe faithfully and honestly the provisions of the several acts of assembly applicable to the bank of which they are directors or officers, or in which they hold stations, and that they and each of them during their continuance in office will not knowingly violate, or sanction or willingly permit any of the provisions of the law governing their charter to be violated; the said oath so to be taken shall be subscribed and immediately delivered to the auditor general to be filed in his office.

Violation of official oath deemed perjury.

SECTION 11. If any president, director, cashier or other officer of the said bank, or of any other bank hereafter chartered, shall after having taken and subscribed the oath required by this act, willfully violate any provision of any act of assembly applicable to the bank of which he is an officer, he shall be taken and deemed to have committed wilful and corrupt perjury, and upon conviction in any criminal court in this commonwealth, he shall suffer such punishment as is inflicted by the laws of this commonwealth, on any person guilty of the crime of perjury.

Per centum on stock payable into state treasury.

SECTION 12. That the said bank shall pay into the treasury of the commonwealth, within three months after the expiration of its present charter, two per centum upon the whole amount of the capital stock thereof: *Provided*, That should said bank at any time hereafter be made the subject of taxation not now provided for by general laws, the per centage so paid shall be credited to said bank on account of said additional taxation.

Not to issue notes of less denomination than five dollars.

SECTION 13. Neither the said Monongahela Bank of Brownsville, nor any other bank hereafter chartered, shall issue and put in circulation any bill or note of said bank payable at any other place than at said bank, nor otherwise than payable on demand, nor of a denomination less than five dollars; and any violation of this section by any officer or officers of said bank or banks shall be a misdemeanor, punishable upon conviction by a fine of not less than five hundred dollars, and imprisonment in the jail of the proper county not less than one year.

Dividend, when to be declared.

SECTION 14. It shall not be lawful for said bank to make or declare any dividend to the stockholders thereof except from profits actually acquired above the par value of the stock, and no such dividend shall be made at any time that will in any manner impair or diminish the capital stock of said bank.

Individual liability.

SECTION 15. The stockholders of the said Monongahela Bank of Brownsville shall be jointly liable to the creditors of said bank, being note holders, in their individual capacity for the amount of all the notes issued in an amount not exceeding the par value of the stock owned and possessed by them respectively; and the manner of enforcing such liability shall be as follows: in case the said bank shall violate the provisions of any law applicable to it, so as to forfeit its charter, or becomes insolvent in failing circumstances by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of this act, or under the provisions of the act of twelfth March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisement of the assets of the said bank of every description at their cash value,

Assignment in case of insolvency.

Assignees.

and also to make a list of all the debts due by the said bank ; and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make good such deficiency in proportion to the respective amounts of stock held by each at the time such assignment is made : *Provided*, That their joint liability shall in no case exceed the amount of the par value of their stock. Proviso.

SECTION 16. It shall be the duty of the assignees aforesaid to cause a scire facias in the name of the commonwealth of Pennsylvania to be issued by the prothonotary of Fayette county, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas in said county, and shew cause why execution should not be issued against them for such amount, and such scire facias shall also set forth the proportions due from each of the said stockholders ; and it shall be the duty of the sheriff of said county to serve the writ upon all stockholders named in said writ, residing within his bailiwick ; and it shall be lawful for the court of common pleas, or a judge in vacation, to make such order in reference to giving notices to stockholders, non-residents of the county, and named in said writ, as the case may require : *Provided*, That the writ of scire facias shall not abate by reason of the non-joinder of any stockholder ; and in case it shall appear that one or more persons in said writ named are not liable under the provisions of this act, it shall not vitiate the proceedings against the others. Duty of assignees
Proviso.

SECTION 17. On the return day of the said writ of scire facias it shall be the duty of the said court to render judgment against the stockholders named in said writ, for the several amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases. On return of sci.
fa. execution
may be awarded.

SECTION 18. If the amount assessed on the shares of any stockholder under the provisions of the last section shall not be collected from such stockholder, by reason of his insolvency or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within one year previous to the assignment of the said bank, shall have received a transfer of the shares or any portion of the shares then held by him ; and any person having made such transfer, being made a party by an alias writ of scire facias, shall be liable in the same manner and for the same proportion that he would have been liable had he continued to hold the shares so transferred : *Provided*, That any person having made an assignment or transfer of his or her stock in said bank, may discharge himself or herself from liability under the provisions of this section, by showing that the transactions or loans which caused the insolvency of said bank were made after such assignment or transfer, or such part thereof as he or she may show accrued after such transfer or assignment. Stockholders lia-
ble for one year
after transfer.
Proviso.

SECTION 19. Every individual who owned stock in his or her own name, or in the name of any other person or persons, at the time of such assignment, shall be deemed liable for his or her proportions under the provisions of this act ; but it shall be lawful for any stockholder of said bank, either before or after process shall have issued, to pay his or her proportionable share of liability to the assignees, and receive a full discharge from them, and the process shall be proceeded in only against the other stockholders that are liable. Stockholders pro-
portionally liable
and may pay pro-
portionable
share.

SECTION 20. The term stockholder, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency in the name of Meaning of term
stockholder.

another person, and to every who shall have advanced the instalment or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years; but no trustee appointed by a last will and testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of twenty-one years, shall be individually liable on account of the shares so held.

Provisions of certain act made applicable to assignments by this bank.

SECTION 21. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank; and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel a settlement of the accounts of the assignees, and to do any other act necessary and proper to accomplish the purposes of the trust, and to compel the distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled, according to the just proportion due to each as hereinafter provided.

Order of payment.

SECTION 22. The said assignees shall pay out of the assets and property of the said bank, in case of an assignment, the debts and liabilities in the following order:

First, note-holders.

Second, depositors.

Third, all other creditors, except stockholders, who shall be last paid.

Frauds, how punished.

SECTION 23. If the insolvency of the said bank be wilfully fraudulent, the directors of the said bank by whose acts or omissions the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the creditors of the said bank for his proportional share of their respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its re-imbursement.

When insolvency deemed fraudulent.

SECTION 24. Every insolvency of said bank shall be deemed fraudulent, unless its affairs shall appear upon investigation to have been fairly and legally administered, and generally with the same care and diligence that agents receiving a compensation for their services are bound by law to observe.

Term insolvency construed.

SECTION 25. The term insolvency used in this act shall be construed to apply to the said bank when it is compelled to make an assignment, and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas of Fayette county, verified by oath or affirmation, a full statement of its affairs, containing—

Directors to file statement of affairs.

Statement.

I. An account of the capital stock of the bank, the amount paid in, and the amount thereof held by such corporation.

II. The quantity, description and value of the real estate of the said bank.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

IV. The debts owing to said bank, and the amount of said debts that are collectable.

V. The amount of debts owing by said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with an account of its loans and discounts, and of specie on hand.

VI. A particular account of the losses of the corporation, and the cause of its insolvency.

VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of the said assignment.

SECTION 26. If the court shall be in session when the statement is filed, the same shall be immediately presented to the court by the said directors for examination; and if the court shall not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter; and it shall thereupon be the duty of the court to appoint three competent auditors, who shall be sworn or affirmed, to make a strict investigation of the affairs of such bank, and of the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity.

Statement, when to be presented to court.

SECTION 27. The auditors thus appointed shall have power to compel the production of the books and papers, and to subpoena and examine the directors and officers of said bank, and generally to have and exercise all the authority now conferred on auditors by existing laws; and after having performed their duties, they shall report to the court the result of their investigation: and in case they report that the insolvency was wilfully fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors, according to the liabilities imposed by this act.

Auditors, powers and duties of.

SECTION 28. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of said bank was wilfully fraudulent or otherwise; or if they deem it necessary for the purpose of justice, they may direct an issue at the request of any person interested to try the fact of wilful fraudulent insolvency; and if the judgment of the court upon the report of the auditors, or upon the verdict rendered upon such issue, shall be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each, according to their several liabilities; and the said court of common pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons then made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said courts in cases of trust.

Court to investigate matters contained in report, &c.

SECTION 29. The provisions of this act shall go into effect upon the expiration of the present charter: *Provided*, That the stockholders, at a meeting to be called for that purpose, shall by a majority of votes present decide in favor of the acceptance thereof, which acceptance shall be certified to by the officers of the bank, and transmitted to the governor in writing, and filed in the office of the secretary of the commonwealth.

When this act to take effect.

SECTION 30. No director of said bank shall appear as drawer or endorser, or as both drawer and endorser, at any one time for a greater amount than five thousand dollars, and the gross amount discounted for or loaned to all the directors and other officers of said bank, and to houses or firms in which they may be interested directly or indirectly, shall not exceed at any one time the sum of thirty thousand dollars.

No director to be drawer or endorser for a greater sum than \$5,000.

SECTION 31. The legislature reserves the power to alter, revoke or annul the charter of the said bank, whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner that no injustice be done to the corporators.

Failure to pay liabilities held to be an absolute forfeiture of charter.

SECTION 32. If the said bank shall at any time fail or refuse to redeem its notes and pay its liabilities in gold and silver coin, upon demand being made at the banking house of said bank during banking

Reservation.

hours, such failure or refusal shall be deemed and held to be an absolute forfeiture of the charter of said bank.

Repeal.

SECTION 33. So much of any act of assembly as is hereby altered or supplied, is hereby repealed.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The twenty-third day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 464.

AN ACT

To annul the marriage contract of Elias Wildman and Catharine, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Elias Wildman, of the city of Philadelphia, and Catharine, his wife, late Katharine Krow, be and the same is hereby annulled and made void, and the parties released and discharged from all the duties and obligations arising therefrom, as fully and effectually as if they had never been joined in marriage.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The second day of June, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 465.

AN ACT

To annul the marriage contract between David Milliken and Mary Ann, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the marriage contract entered into between David Milliken, of Mifflin county, and Mary Ann, his wife, be and the same is hereby declared null and void, and the parties discharged from all obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twentieth day of July, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 466.

AN ACT

For the relief of William Chandler; and relating to the mode of packing and branding beef and pork.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the canal commissioners be and they are hereby authorized and directed to examine the claims of William Chandler, of Sadbury township, Chester county, for damages alleged to have been sustained by him from fire caused by sparks from the locomotive engine on the Columbia railroad, in May, Anno Domini, one thousand eight hundred and forty-eight, and to report the facts to the next legislature.

SECTION 2. That so much of the act, entitled "An Act relating to inspections," passed the fifteenth of April, one thousand eight hundred and thirty-five, as prescribes the manner of packing and branding salted

Canal commis-
sioners author-
ized to examine
claim of Wm.
Chandler.
Repeal of por-
tions of certain
act relating to

the manner of
packing beef,
&c.

beef and pork of the state of Pennsylvania, designed for ship stores or exportation, be and the same is hereby repealed.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The thirty-first day of December, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

[1850.]

No. 460.

AN ACT

Authorizing the erection of a bridge over the river Lehigh at or near Gouldsport, in the county of Carbon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Isaac Gould and Stephen Gould, their heirs and assigns, be and they hereby are authorized to erect a bridge across the Lehigh river and the canal of the Lehigh coal and navigation company, opposite the lands of the said Isaac Gould and Stephen Gould, now or late in Penn Forest township, Carbon county, near the head of the Hickory run pool; and the same when completed shall be vested in the said Isaac Gould and Stephen Gould, their heirs and assigns forever, unless divested in the manner hereinafter mentioned: *Provided however,* That the said bridge shall be so constructed as not to interfere with the navigation of the said river or of the said canal; and that before commencing to erect the same, the said Isaac Gould and Stephen Gould shall obtain the written consent of the owners of the soil on the western side of said river to occupy what ground shall be necessary for their purpose, or pay or give security to pay any damages that such owners may sustain thereby, in the manner provided by the constitution and laws of Pennsylvania in such cases.

Isaac Gould and
Stephen Gould
authorized to
erect a bridge
over the Lehigh
river, &c.

Proviso.

Materials for said
bridge.

SECTION 2. That the said bridge shall be erected with stone abutments, and if piers be necessary, with stone piers, and be fitted for a single or double wagon track, at the option of the said Isaac Gould and Stephen Gould, their heirs and assigns, and shall at all times be kept in good and secure repair so as to be passable in safety by travelers as well as by loaded teams.

Tolls.

SECTION 3. That the said Isaac Gould and Stephen Gould, their heirs and assigns, shall be authorized to take the same tolls and be subject to the same penalties as are provided and imposed upon the Lehigh

Water Gap bridge company, by their act of incorporation, passed the eighteenth day of March, one thousand eight hundred and twenty-six, which penalties, instead of being paid to the townships mentioned in the said act, shall be paid to the townships adjoining the bridge hereby authorized to be erected; and that four-wheeled wagons or carriages drawn by one horse shall be liable to the same tolls that are provided by the same act for two-wheeled carriages so drawn.

SECTION 4. That it shall and may be lawful for the counties of Carbon and Luzerne, at any time within five years after the completion of the bridge, to purchase the same from the said Isaac Gould and Stephen Gould, their heirs and assigns, for the sum which it shall have cost them to erect the same, together with interest thereon; and upon payment of the said amount the said Isaac Gould and Stephen Gould shall immediately grant and convey the said bridge to the said counties of Carbon and Luzerne, and the same shall thenceforth be a free bridge, and be maintained at the expense of the said counties.

SECTION 5. That if the said Isaac Gould and Stephen Gould shall not proceed to erect the said bridge within three years next after the passage of this act, and complete the same within one year thereafter, the privileges hereby granted shall cease and determine.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The twelfth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 461.

AN ACT

To incorporate the Odd Fellows hall association of Columbia.

WHEREAS, Certain citizens of this commonwealth hereinafter named, have associated together for the purpose of erecting an Odd Fellows hall in the borough of Columbia, in the county of Lancaster, and have with certain moneys raised by issuing certificates of stock and certificates of loan, purchased a certain lot or piece of ground, situate on the north-east corner of Locust and Second streets, in the said borough of Columbia, and erected upon the same a hall and other buildings for the use and accommodation of various lodges of the Independent Order of Odd Fellows; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That William Patten, Guilford G. Claiborn, Elias J. Sneider, Samuel Truscatt, Samuel D. Young, Andrew Gohn and Amos S. Green, and their*

Preamble.

Corporators.

successors, and all persons who now are or may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate in deed and in law, by the name, style and title of "The Odd Fellows hall association of Columbia," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all the courts of law or equity within this commonwealth and elsewhere; and also to be able to take and to hold to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the use of the said association, and to take and hold for the use of the said association, any goods and chattels, sum and sums of money, by gift, grant, bargain and sale, will, devise or bequest from any person or persons whatsoever capable of making the same; and the same at their pleasure to grant, bargain and sell for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of five thousand dollars: *And provided also*, That the certificates of stock and certificates of loan already issued by the persons, and for the purposes hereinbefore mentioned, shall be assumed by the said the Odd Fellows hall association of Columbia, who shall pay the interest now due, or that may hereafter become due on the same, and redeem the same whenever they shall respectively become due and payable; the liability of the association for the payment of the said interest and the redemption of the said certificates, to be the same as if they had been issued by the said association in virtue of law: *And provided also*, That from and immediately after the passage of this act, the title to the said lot or piece of ground, and the hall and other buildings thereon erected, shall be vested in the Odd Fellows hall association of Columbia, as fully to all intents and purposes, as the same is held by the persons hereinbefore mentioned.

SECTION 2. The stockholders shall meet annually on the second Saturday in December, and choose by ballot seven trustees, who shall serve until their successors are elected; a majority of the whole number of votes polled shall constitute a choice, and in the event of a failure to elect any of said trustees at any regular election, or in case of death, resignation or inability to serve, growing out of any other cause, there shall be a vacancy or vacancies in the board of trustees, then and in such cases special elections shall be held on ten days' notice in any newspaper of the borough of Columbia, by the president and secretary of the said board of trustees; and the said board of trustees shall at their first meeting after their election annually choose one of their number as president, and also choose a secretary, treasurer, and such other officers as the business of the corporation may require, and allow to each of them such reasonable compensation as they may from time to time deem proper: *Provided*, That the trustees and officers now managing the affairs of the Odd Fellows hall association of Columbia, shall continue as trustees and officers of the corporation hereby created, till the regular election shall be held as hereinbefore provided.

SECTION 3. That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew, as they may think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

SECTION 4. The government of the said association, and the management and disposition of its affairs and property, shall be vested in the said board of trustees. Government.

SECTION 5. The corporation shall have power and authority to make by-laws conformable to this charter, and not inconsistent with the laws of the United States or of this commonwealth. By-laws.

SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said the Odd Fellows hall association of Columbia, whenever in their opinion it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done the corporators. Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 462.

A N A C T

To incorporate the Easton gas company.

SECTION 7. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That David Connor, Washington McCartney, Jacob H. Wilkins, James A. Dunlap, Theodore R. Sitgreaves, William Hackett, Joseph Savitz, Joseph Hagenbuch, George W. Barnet, Matthew Hale Jones, Peter Bellis, Peter Pomp, Thomas Bishop, and their associates, or persons who shall become stockholders, be and the same are hereby made and constituted a body politic and corporate, by the name and style of "The Easton gas company;" and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded in all courts and judicatories whatsoever; and also, of contracting and being contracted with, relative to the business and objects of the said corporation as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and they and their successors as aforesaid, shall have power to lease or purchase, in fee simple, such real estate as may be necessary for carrying on the business of said corporation, and in their corporate name to make and execute their obligations for their liabilities created for the purchase money for the same, and other necessary effects of said corporation, as they may deem expedient: *Provided,* That such liabilities shall be created only for the purposes stated in this act. Corporators.
Style.
Privileges.
Seal.

- Power to supply the borough of Easton with gas.** SECTION 2. That the corporation hereby created is so created for the purpose, and for such purpose shall have authority of supplying with gas light the borough of Easton, and such individuals residing therein as may desire a supply of the same; and for distributing and selling gas for the production of artificial light, and for making and erecting the necessary apparatus for manufacturing, distributing and introducing the same, and constructing the requisite buildings and machinery, and purchasing and preparing the necessary materials, with the right to enter upon any public street, lane or highway, for the purpose of laying down the pipes necessary for conducting said gas; and to repair, alter and inspect the same, doing as little damage as possible to the streets, lanes and alleys, and repairing the injuries that may be done to the same with as little delay as possible, and securing the citizens from accident and danger whilst so laying down or repairing their pipes.
- Capital stock.** SECTION 3. That the capital stock of said company shall be forty thousand dollars, to be divided into eight hundred shares of fifty dollars each, with the right to increase said capital stock from time as the board of directors of said company shall deem necessary: *Provided*, That the whole capital stock shall not, at any time, exceed one hundred thousand dollars: *And provided further*, That said company may, in lieu of increasing their capital stock, be authorized, if the board of directors shall so determine, to borrow money to an amount not exceeding the amount said capital stock may be increased, and to make and execute a mortgage or mortgages, pledge or pledges of the property and effects of said corporation, for the security of the re-payment of the amount borrowed, or give such other evidences of indebtedness as may be agreed upon: *Provided*, That no increase of said capital stock in manner aforesaid shall be permitted, unless the stockholders holding a majority of the stock already subscribed, shall first give their written consent thereto.
- Annual meeting of stockholders.** SECTION 4. The management and control of "The Easton gas company," shall be vested in the persons named in the first section of this act, until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, treasurer and secretary; and that the stockholders of said company shall meet annually, on the first Monday in May, at such place as they shall determine upon, and elect nine directors for said company, all of whom shall be stockholders, who shall select from their number as aforesaid, a president, secretary and treasurer for said company, the notice of such election for directors as aforesaid and the manner of conducting the same, to be provided for in the by-laws of said company; and the number of votes that each stockholder shall be entitled to at such election, shall be according to the number of shares owned by such stockholder, to wit: For each share not exceeding two shares one vote; for every two shares above two and not exceeding ten shares one vote; for every five shares above ten shares one vote; and no share shall confer a right of voting which shall not have been holden one calendar month prior to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his or her own right, or in the right of his wife, or for his or her sole use and benefit as an executor, administrator, trustee or guardian, or in the right and for the use of some co-partnership corporation or society of which he or she may be a member.
- Officers.**
- Votes.**
- Certificates of stock.** SECTION 5. Said company shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the secretary, and sealed with the common seal of said corporation, to each person for

such share or shares of stock as by him or her are respectively owned; which certificate of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose.

SECTION 6. The board of directors of said company shall meet at such times and places as shall be provided in the by-laws of said company, five of whom shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being formed, they shall have full power and authority to purchase lands for the gas works, and erect the same; to appoint all officers, and employ such assistants as shall be necessary to carry out the objects of this corporation; to direct what orders shall be drawn upon the treasurer, which shall be signed by the president and countersigned by the secretary; to fix all salaries and rates for the use of the gas; to enact by-laws for the proper regulation and government of said corporation, and generally to do such matters, acts and things as by this act and the by-laws of such corporation they are authorized to do.

Meeting of directors.

Quorum.

Powers.

SECTION 7. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, on the first Mondays of June and December of each year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.

Dividends.

SECTION 8. If any person or persons shall open a communication into the gas main or other gas pipe of said company, without authority from the street inspector, or other authorized agent of said company, or shall let on the gas after it has been stopped by order of said inspector or other authorized agent of said company for repairs, or any other cause or purpose, or shall put up any pipes or burners in addition to the pipes originally put up and inspected, and introduce into them the gas without authority as aforesaid, he, she or they shall be subject to a penalty of not less than five, nor more than fifty dollars, to be recovered before any justice of the peace as debts of like amount are by law recoverable; one half to be paid to the informer and the other half to said company.

Penalty for opening communication into the gas main or other gas pipes.

SECTION 9. If any person shall wilfully or maliciously do or cause to be done any act or acts whatever, whereby and building, construction or works of said company, or any gas pipe, gas post, burner or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may be thereof indicted in the court of quarter sessions, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That such criminal prosecution shall not in any way impair the right of said company to a full compensation in damages by civil suit.

Punishment for injuries to company's works.

SECTION 10. That the prices of gas shall be so regulated as that the dividends upon the capital stock of said company shall never exceed ten per cent. per annum; and that it shall and may be lawful for the corporation of the borough of Easton, at any time after the expiration of ten years from the passage of this act, to purchase the rights and estates of the said company on paying them the actual cost of the same: *Provided*, That the stockholders shall have received dividends equal to, or greater than six per cent. per annum, and if they shall not have received dividends averaging that amount, making up the deficiency of such dividends so that the said stockholders shall have received their original investment, and at least six per cent. on the same.

Price of gas.

Dividends.

Reservation. SECTION 11. The legislature may at any time alter, amend or repeal the privileges hereby granted: *Provided however,* That no injustice be done to the corporators.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 463.

AN ACT

To change the name and style of the rifle corps of Independent Allegheny Blues to that of the Infantry corps of Allegheny Blues; and relating to the Coal Hill and Upper St. Clair turnpike road.

Independent Allegheny Blues, name changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the rifle company organized under the name of the Independent Allegheny Blues, be hereafter known by the name and style of the Infantry corps of Allegheny Blues, and that all the immunities and privileges attaching to the company under its former organization, and under existing laws, shall remain and abide with the Infantry corps of Independent Allegheny Blues; the said infantry corps being hereby declared entitled to the arms and equipments now required to be distributed by the adjutant general, to the infantry arm of the military force of this commonwealth.

Coal Hill and Upper St. Clair turnpike road company authorized to erect a certain gate, &c.

SECTION 2. That the president and managers of the Coal Hill and Upper St. Clair turnpike road company, and they are hereby authorized and empowered to erect a gate across said road at or near Saw Mill run, and take such toll at the same as they are authorized by former acts of assembly in relation to said road; and the said president and managers are also hereby authorized to construct a plank road upon any portion of the line upon which, under their charter, they were authorized to construct a turnpike road, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 464.

AN ACT

To change the name of the Birmingham Guards, of Allegheny county, and the name of the Pennsylvania Guards, of York county, and to detach the first company, Pennsylvania Dragoons, from the third brigade, first division, Pennsylvania militia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the Birmingham Guards, a volunteer infantry company in Allegheny county, shall hereafter be called the Montgomery Greys: *Provided,* That all acts done under the former name of the Birmingham Guards, shall not be affected in any manner by this act, and the said corps shall enjoy all the advantages in point of date or age as if this act had not been passed.

Birmingham
Guards, name
changed from.

SECTION 2. That the infantry company of volunteers known as the Pennsylvania Guards, in York county, be and the same is hereby changed to an artillery company, to be called the York County Artillerists.

Pennsylvania
Guards, changed.

SECTION 3. That from and after the passage of this act, the first company Pennsylvania Dragoons, of the county of Philadelphia, be and they are hereby detached from the third brigade, first division, Pennsylvania militia.

1st company,
Pennsylvania
Dragoons, Phila-
delphia county,
detached.

J. S. M'CALMONT,
Speaker of the House of Representatives.
V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 465.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the village of Petersburg, in the county of Perry, into a borough," passed the twelfth day of March, one thousand eight hundred and forty-four; extending the eastern line of Beaver township, Jefferson county; and to extend the limits of the borough of Kittanning.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

- Limits extended.** the limits of the borough of Petersburg shall be extended so as to embrace the territory embraced within the following boundaries, to wit : beginning at the north-west corner of the present limits of said borough, at a post, thence by land of William Irvin north thirty-six degrees east sixteen hundred and fifty feet to a post ; thence by land of Robert Clark south fifty six degrees east eleven hundred and fifty-five feet to the Susquehanna river ; thence down said river south thirty-nine degrees west eleven hundred and eighty-eight feet to a corner ; making the beginning of the bounds of said borough in the act to which this is a supplement.
- Lock-up house.** SECTION 2. The town council of said borough of Petersburg are hereby authorized and empowered to have built or otherwise provided and supported in said borough, at the expense thereof, a suitable building for the security and temporary detention of any person or persons committed by any justice of the peace of said borough or vicinity, or the Burgess of said borough, or any member of the town council acting in his place, for any violation of the laws of this commonwealth, or of the ordinance or ordinances of the borough aforesaid, for which such persons could lawfully be committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law : *Provided*, That no person or persons shall be confined in said lock-up house at any one time for a longer period than twenty-four hours.
- Borrow money.** SECTION 3. That the said council shall have power to borrow money for the use of said borough, for the purpose of building school houses within said borough, and for other purposes, any sum or sums of money which they shall deem necessary, and to issue certificates of loan for the sum or sums, amount or amounts so borrowed to the persons respectively lending the same ; and the said certificates, signed by the chief Burgess, the president of the town council and by the treasurer, shall be binding and obligatory on the said corporation : *Provided*, That the sum or sums of money so borrowed shall not in the whole exceed five hundred dollars, until the assent of a majority of the taxpayers for borough purposes shall be signified in writing ; and the said council shall have power to levy and collect taxes within the limits for the current expenses of said borough, and for the re-payment of all loans with interest thereon hereafter to be made for the use of said borough, for the re-payment of which the faith of said borough shall be pledged : *Provided*, That the taxes levied in any one year shall not exceed one per cent. on all taxable property.
- Proviso.** SECTION 4. That the council shall have power to settle and pay all arrearages now due for the building of the school house now erected in said borough, and all other arrearages now due against said borough.
- Power to settle arrearages for building school house.** SECTION 5. The said borough of Petersburg shall hereafter form a separate election and school district, and shall hold their borough and general elections at the public school house in said borough : *Provided*, The first spring election of judge and inspectors of elections shall be held on the fifth Friday of March, in the year one thousand eight hundred and fifty, and shall be held by the same officers who are legally authorized to hold the election of town council, and in all other things shall be governed by the general election laws of this commonwealth.
- Separate election district.** SECTION 6. That the town council of the borough of Petersburg aforesaid shall have full power and authority to pass such ordinances, and impose and enforce such penalties from time to time for the protection of the lives and property of the citizens of said borough, as shall effectually prevent the Pennsylvania Central railroad company or their
- Further powers.**

agents from running their engines and cars through the said borough at a greater speed than eight miles per hour, and to compel them to give due notice by bell or whistle before passing any of the cross streets or roads within the limits of said borough.

SECTION 7. That so much of any act or law as is hereby altered, the Repeal. same is hereby repealed.

SECTION 8. That the east line of Beaver township, Jefferson county, East line of Beaver township, is hereby extended north one-half mile (making four miles) to a post; Jefferson county, thence west to the Clarion county line; thence south to the place of extended. beginning.

SECTION 9. That hereafter the limits of the borough of Kittanning, Limits of the Armstrong county, shall be extended so as to include the following described territory: beginning at a post on Jefferson street; thence south borough of Kittanning extended thirty-eight and one-half degrees east two hundred and fourteen feet to a stone pile; thence north six degrees east five hundred and twenty-seven and a half feet to a stone pile; thence south fifty-one and a half degrees west two hundred and sixty feet to a post; thence south thirty-eight and a half degrees east one hundred and sixty-five feet to a post; thence south fifty-one and a half degrees west one hundred and seventy-two and three-fourths feet to the place of beginning, containing one acre and thirty perches, now owned by Philip Hutchinson and John Furney; and the persons now residing, or who may hereafter reside on said land, shall enjoy all the privileges, and be subject to all the laws relating to said borough.

SECTION 10. That the commissioners of the county of Philadelphia be and they are hereby authorized and directed to cause the assessor of Blockley township, in said county, to make out and revise or amend his assessment before the first day of May next, so as to designate the real and personal estate, as well as a list of the taxables within the limits of the several wards in the borough of West Philadelphia, as extended by the act approved the fourteenth day of March, A. D., one thousand eight hundred and fifty, entitled "A supplement to the act to incorporate the borough of West Philadelphia," approved the seventeenth day of February, A. D., one thousand eight hundred and forty-four; and the said commissioners are hereby directed to issue the duplicate for the collection of the county and state tax for the present year, to the collector of the said borough, and furnish the election officers of each of the said wards in said borough with the stationary window list, &c., necessary for holding the election on Wednesday, the first day of May, one thousand eight hundred and fifty, in said wards.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 466.

AN ACT

To incorporate the Little Saw Mill Run railroad company; and to annul the marriage contract between Joseph S. Turner and Hephsebah M. Turner, his wife.

Corporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That</i> Alexander Carnahan, William Espy, James Carter, William Patton, John Sheriff, James Trunick and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of "The Little Saw Mill Run railroad company," for the purpose of constructing a railroad as hereinafter is provided, and for transacting the usual business of companies engaged in transporting and selling coal and the other products of coal lands; and the said corporation by the same name is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation consistent with the laws of the United States and of this commonwealth, and generally to do and execute for the well being of said company, whatever shall lawfully pertain to such bodies politic: <i>Provided</i>, That each stockholder shall be liable in his individual capacity for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock by him subscribed respectively.
Style.	
Object.	
Privileges.	
Purchase and hold land.	SECTION 2. The said company shall have the right to hold either by purchase or lease, such lot or lots of land not exceeding three acres in any one place, as may be found convenient as places of deposit in the transportation and sale of products of their mines.
Capital stock.	SECTION 3. The capital stock of said company shall be and consist of twenty-five thousand dollars, and shall be divided into five hundred shares of fifty dollars each, which capital stock shall only be employed in constructing railroads, in the holding and purchasing the lands aforesaid, with the improvements, if any, thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery as may be necessary or useful for constructing said railroad, and for the transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite for the purposes aforesaid of the company, and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.
Letters patent.	SECTION 4. Whenever one hundred shares of the capital stock shall have been subscribed, the governor, on due evidence thereof, shall by letters patent under his hand and the seal of the state create and erect the said Alexander Carnahan, William Espy, James Carter, William Patton, John Sheriff, James Trunick and their associates, successors and assigns, into one body corporate, by the name, style and title of "The Little Saw Mill Run railroad company."
Directors.	SECTION 5. The affairs of said company shall be managed by six directors and one president, to be chosen annually from the stockholders; the first election shall be held in the city of Pittsburg, within
Annual election.	

sixty days after the letters patent aforesaid shall have issued, of which election public notice shall be given by four or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the county of Allegheny, and the subsequent elections shall be held annually at such convenient time and place as the directors shall determine, of which thirty days' previous notice shall in like manner be given by the president of said company, or by any four of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office until such election shall be held.

SECTION 6. The election for directors and president shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder in the proportion following; that is to say, for each share not exceeding five shares one vote; for every five shares above ten and not exceeding thirty one vote; for every ten shares above thirty and not exceeding one hundred one vote; for every twenty shares above one hundred one vote; no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right of and for the use and benefit of some co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the existing laws regulating proxies: *Provided*, That no stockholder shall vote by proxy more than fifteen votes at any election. Votes.

SECTION 7. The president and directors shall as soon as convenient after their election, choose one person to serve as treasurer for one year; they shall also have power to appoint as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election; at all meetings of the board, four directors shall form a quorum to transact business. Treasurer.
Officers.

SECTION 8. The directors may from time to time call in on thirty days' notice thereof, in at least two newspapers printed in the county of Allegheny, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one time and place appointed; and if any instalment on the stock so called in shall remain unpaid for the space of thirty days from the time so appointed, every such stockholder, or his or her assignee shall in addition to the instalment so called for, pay at the rate of two per centum per month, for the delay of such payment; and if the same and additional penalty remain unpaid for such length of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same; or in default of the payment by any stockholder of any such instalments as aforesaid, the president and directors may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may Forfeiture of
stock.

be due and payable more than thirty days previously to said election meeting.

Dividends.

SECTION 9. Dividends of so much of the profits of the company shall appear to the directors advisable, shall be declared twice a year and paid to the stockholders or their legal representatives on demand any time after the expiration of ten days after having been declared but said dividend shall in no case exceed the amount of the net profit actually acquired by the company, so that the capital stock shall not be thereby impaired; and if any dividend shall be declared which shall impair the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to said company for the amount of stocks so divided; and each director present when a dividend shall be declared shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaration of such dividend.

Location.

SECTION 10. The company hereby incorporated shall have power to survey, lay down and ascertain such route as they shall deem expedient for a railroad with a double or single track, beginning at or near the mouth of Saw Mill run, on the Ohio river, and shall have the right of extending said road to or near the mouth of George's run, on Chaptiers creek, or of constructing lateral railroads to such coal mines not exceeding one mile from the main road as from time to time may be found expedient; and the said railroad shall not pass through any burial ground, place of public worship or dwelling house without the consent of the owner or owners; and the said company shall within six months after ascertaining the route of said railroad, cause to be made a map or plot of which survey they shall cause to be filed in the office of the secretary of the state, which map or plot or certified copy thereof shall be sufficient of the route of said road which may then be opened and all the expenses thereof shall be defrayed by said company.

Power to build a lock and dam.

SECTION 11. The said company is hereby authorized and empowered to build a lock and dam at the mouth of Saw Mill run, at its junction with the Ohio river, to form a slack-water depot for the accommodation of the flats and boats of said company, used in the navigation of the Ohio river: *Provided*, The damages which may be done to private property by reason of the construction of said lock and dam, shall be assessed and paid in the manner provided in the twelfth section of this act.

Enter upon lands.

SECTION 12. That the said company shall have power by themselves or agents to enter in and upon such lands as may be necessary to make the railroad aforesaid, and also have liberty of taking from any land in the neighborhood, gravel, stone, wood, earth or other materials necessary for the construction of said railroad, upon paying the owner or owners thereof for the same before removal, and for damages done by entering on such lands, if the owner of said land and said company can agree on the value of such materials and amount of damages sustained; and in case they cannot agree either party may apply to justice of the peace residing in the township in which lands are situated, who shall notify the parties or their agents to meet at his office at some suitable time, not less than five or more than eight days thereafter, to choose three judicious, disinterested persons to value such materials and damages; and if the parties when met cannot mutually agree on three men, each party shall nominate one person, and the justice one person, and the persons so chosen, after being duly sworn and affirmed to perform their duty with impartiality, proceed to value the said materials and damages, and make a report of their proceedings to said justice, who shall enter the same on his docket; and upon paying

Damages, how adjusted.

amount of such valuation to the owners of the lands, or giving adequate security therefor, in case of a refusal to receive such amount, the said corporation may remove such materials from the premises.

SECTION 13. That whenever it shall be necessary for the said company to enter in and upon and occupy, for the purpose of making said railroad, any land upon which the same may be located, if any owner or owners of said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, then it shall be lawful for the court of common pleas of Allegheny county, on application of either party, and at the cost and charges of said corporation, to award a venire directed to the sheriff of said county, requiring him to summon a jury of disinterested men to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damages, if any, that in their opinion will be sustained as aforesaid by reason of said railroad, and report the same under their oaths and affirmations to the said court, such report being confirmed by the said court, judgment shall be entered thereon; and the said sheriff and jurors shall be entitled to the fees for their services as are allowed by law in other cases of special jurors, to be paid by said company; and it shall be the duty of said jury in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of such lands from said railroad: *Provided*, That either party may appeal to the court within thirty days after such report shall have been filed in the prothonotary's office of the said county, in the same manner as appeals are allowed in other cases; and upon the filing of such report or inquisition and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner or owners the amount in said report or judgment specified, in full compensation for said lands or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner or owners held in the same, and they and all who stand under them shall be acquitted and freed from all responsibility for such injury.

Further provisions.

SECTION 14. That the said railroad shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads which may cross or enter the same; and in all cases where said railroad may cross or in any manner interfere with any existing public road, the said company shall make or cause to be made a good and sufficient causeway or crossings, to enable all persons passing or traveling said public road to cross and pass under or over said railroad; and if the said company shall neglect or refuse to keep such way in good repair, they shall be liable to a penalty of two dollars for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors of the township with costs, for the use of said township, as much of the like amount are by law recoverable; and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.

Railroad to be constructed so as not to interfere with the free use or passage of public roads, &c.

SECTION 15. That for the accommodation of all persons owning or possessing land through which the said railroad may pass, it shall be the duty of the said company to make or cause to be made a good and sufficient causeway or crossings wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same, with wagons, carts and implements of husbandry, as occasion may require.

Causeways.

Suits. SECTION 16. No suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within three months after the offence shall have been committed, or the cause of action shall have been accrued; and the defendant or defendants in such suit or action, may plead the general issue and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Penalty for injuries to company's works. SECTION 17. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof, by action of debt or felony in the same, and for the use of said company.

Rates of toll. SECTION 18. The said company shall be entitled to receive not exceeding the following rates of toll; that is to say, on each bushel of coal, one cent for any distance not exceeding three and one-half miles, and one and one-fourth cents per bushel for more than three and one-half miles; and lime one cent per bushel for any distance; on brick, fifty cents per thousand any distance; lumber, square and round, for every hundred feet, solid, two cents per mile; on boards, planks, scantlings or other sawed stuff, reduced to inch stuff, two cents for every thousand feet per mile; on shingles, per thousand, two cents per mile; for all other articles not enumerated, three cents per ton per mile; on all single and detached articles weighing less than a ton, it shall be lawful to charge and receive on the transport thereof an advance of ten per cent. on the rates as above stated.

Said road to be deemed a public highway. SECTION 19. That the said road shall be a public highway on the completion of a section of three and one-half miles or more of the railroad; all transportation on the same of whatever nature or kind, shall be carried on and conducted under the superintendence and direction of said company, who shall make rules for the regulation of all traveling and transportation on the same, and alter the same as they may deem expedient; and it shall be lawful for any company that may hereafter be incorporated by any law of this commonwealth, or any individual or individuals to intersect said railroad or railroads at any place it may be deemed expedient, so that the same may be in such manner as not to injure the same.

Increase of capital stock. SECTION 20. If any increase of capital stock be deemed necessary by the stockholders to complete the said railroad, or to extend the same, it may be lawful for the said company, at a stated or special meeting to be convened for the purpose, to increase the number of shares so that in the whole they shall not exceed five thousand shares, and to receive and demand for shares so subscribed, the moneys, in like manner and under like penalties as is hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Commencement and completion of road. SECTION 21. If the said corporation shall not commence the construction of the said railroad within the term of three years, and finish the same to the distance of three miles within six years from the passage of this act, then this charter shall be null and void.

Reservation. SECTION 22. That if the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation.

Marriage contract between SECTION 23. That the marriage contract entered into by and between Joseph S. Turner and Hepsebah M. Turner, his wife, be and the same

is hereby made void, and the parties released and discharged from said Joseph S. Turner and wife, and from all duties and obligations arising therefrom, as fully and effectually and absolutely as if they never had been joined in marriage.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 467.

A N A C T

To incorporate the Lackawanna and Chehocton turnpike or plank road and bridge company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Artemus Newton, Jonathan Jones, James Mumford, Christopher P. Tallman, William Starbird, G. L. Morse, James Faulkner, Elisha Richards and Jesse Hotchkiss, be and are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by name, style and title of "The Lackawanna and Chehocton turnpike or plank road and bridge company," with power to construct or erect a bridge over the West Branch of the Delaware river, at or near the mouth of the Chehocton creek, wherever the said company shall see fit to locate it, not however to exceed two miles from the mouth of the said Chehocton creek; and the said company shall have power whenever a good and substantial bridge is completed, to erect a gate, and the company their successors or assigns, may demand and receive toll from travelers, and others crossing the same, at such rates as the president and directors shall from time to time determine: *Provided,* That they shall cause to be put up and kept up at the gate of said bridge a list of the rates of toll. Commissioners.
Style.

SECTION 2. That the said company shall have full power to construct a turnpike or plank road from the said bridge, on the most feasible and convenient route to the Chehocton and Great Bend turnpike road, in the Lackawanna valley, with the privilege of extending it to Carbondale and further, if the said company shall deem it expedient, subject to all the provisions and restrictions of an act, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto. Construct road.

SECTION 3. The stock of the said company shall consist of one hundred and fifty shares, of twenty-five dollars each: *Provided,* That the Capital stock.

said company may from time to time by a vote of the stockholders, at a meeting called for the purpose, increase their capital stock if it shall be deemed necessary to carry out the true intent and meaning of this act.

To take toll. SECTION 4. Whenever the said company shall have constructed two or more miles of the said road, they shall have power to erect gates and receive toll agreeable to the conditions of the twelfth and thirteenth sections of an act, approved the twenty-sixth of January, one thousand eight hundred and forty-nine.

Commencement and completion of bridge. SECTION 5. That if the said company shall not commence the construction of the said bridge and road within three years, and complete the same in ten years from the date of this act, the same shall be null and void, except so far as may be necessary to settle up the affairs and pay the debts of said company.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 468.

AN ACT

To incorporate the Bedford water company.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William T. Daugherty, Samuel M. Barclay, Samuel L. Russell, Thomas B. Miller, Job Mann, Samuel H. Tate, George Blymire, John Cessna and Collin Loyer be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they or a majority of them, shall procure a book or books and therein enter as follows: "We whose names are hereunto subscribed do promise to pay the president and managers of the Bedford water company, the sum of ten dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the said president and managers, in pursuance of an act of assembly, entitled 'An Act to incorporate the Bedford water company,' passed the day of Anno Domini, one thousand eight hundred and fifty. Witness our hands the day of Anno Domini, one thousand eight hundred and fifty ;" and shall thereupon give notice in one or more of the public newspapers printed in Bedford, of the time and place or places when and where said book or books shall be opened to receive subscriptions for the stock of said company, at which

Subscription.

time and place one or more of the said commissioners shall attend and permit and suffer all persons or bodies corporate, including the commissioners of Bedford county, and the burgess and town council of the borough of Bedford, in their corporate name, who shall offer to subscribe in the said book or books, which shall be kept open for the purpose, at least six hours in every juridical day for four days, if four days shall be necessary, and if at the expiration of said time three hundred shares shall not be subscribed on the said books, the said commissioners may adjourn from time to time and from place to place until the said number of shares shall be subscribed, and then the said books shall be closed: *Provided always*, That every person subscribing as aforesaid in his own name, or in the name of any other person or body corporate, shall at the time thereof be required to pay to the attending commissioner or commissioners three dollars on each share, out of which the said commissioners shall defray the expenses attending the taking such subscriptions and other incidental charges, and the balance shall be paid over to the treasurer of the said company as soon as the same shall be organized, as hereinafter mentioned.

Who may subscribe.

Proviso.

SECTION 2. That when twenty or more persons shall have subscribed not less than one hundred shares, the commissioners aforesaid may, or when the whole number of shares aforesaid are subscribed, shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by each, and the amount paid on each share, to the governor of this commonwealth; and thereupon he shall by letters patent under his hand and the great seal of the state, create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate in deed and in law, by the name, style and title of "The Bedford water company," by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions if it shall be found necessary to fulfil the intent of this act, so that the whole number of shares shall not exceed two thousand, and of purchasing, taking and holding to them and their successors and assigns, and of selling and transferring in fee simple or for any less estate, such spring or springs, stream or streams of water, or any water power or powers near or convenient to said borough, or lands, tenements, hereditaments and estate, real and personal, as shall be sold, devised, granted or conveyed to them by deed, bequest or otherwise, and of suing and being sued, and doing every matter or thing which a corporation or body corporate and politic may lawfully do: *Provided*, That the clear yearly income of such real estate shall not exceed three thousand dollars: *Provided further*, That the stockholders of said company shall be jointly and severally liable for all the debts and liabilities of the corporation hereby created, and may be sued for the same as partners are liable to be sued in mercantile transactions.

Letters patent.

by Style.

Privileges.

Proviso.

SECTION 3. That any five or more of the aforesaid commissioners shall, as soon as convenient may be after the issuing of the letters patent aforesaid, give at least ten days' notice in one or more of the newspapers printed in Bedford, of a meeting of the stockholders at a time and place certain therein mentioned, to hold an election for choosing by ballot five managers, who shall be stockholders, to conduct the affairs of the said company until the first Monday in May, Anno Domini, one thousand eight hundred and fifty-one; and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him, not exceeding five, and for every five shares above the first five,

Organization.

Votes.

- and not exceeding twenty, one vote; and no stockholder shall be entitled to more than eight votes at any election; and the said managers shall appoint one of their number president of the board, who shall sign all contracts and certificates of stock: the president and managers shall have power to appoint a treasurer, and such other officers and agents as may be necessary; and the election for officers shall be held annually on the first Monday in May, at such place as may be appointed by the managers, of which at least ten days' notice shall be given as aforesaid; and when vacancies happen, the managers shall supply them from among the stockholders until the next annual election: *Provided*, That such managers, president, secretary and treasurer shall be residents of the borough of Bedford: *And provided further*, That no misnomer or failure of election of officers on the day appointed shall discontinue or dissolve the said corporation; but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice as the board of managers may prescribe.
- Annual election of officers.**
- Proviso.**
- By-laws.** SECTION 4. That the president and managers, or a majority of the same, shall have power to adopt such by-laws and regulations as they may deem expedient, and shall have power to call special meetings of the stockholders whenever they may deem it necessary or advisable: *Provided*, That such by-laws, rules and regulations shall in no case contravene the constitution and laws of this commonwealth, or of the United States.
- Proviso.**
- Seal.** SECTION 5. That the president and managers shall procure a common seal, and the certificates of stock and other official acts shall be authenticated by affixing the same, and one certificate of stock signed by the president, countersigned by the secretary, and sealed as aforesaid, shall be delivered unto each person for every share held by him or her, as soon as five dollars shall be paid on each share subscribed by him or her; which certificate shall be transferable in person or by attorney duly authorized on the books of said company, subject, however, to payments due or to become due thereon; and thereupon the assignee of such share on such transfer being entered on the books of the company, shall be a member of the corporation as fully as if he had been an original subscriber.
- Certificates of stock.**
- Transferable.**
- Quorum of managers.** SECTION 6. That the president and managers shall meet at such times and places as shall be fixed by the by-laws; and when met, three shall form a quorum; and in the absence of the president, a chairman may be chosen of this number met, and all their transactions, as well as every matter or thing relating to the affairs of said company, shall be entered in a book or books to be kept for such purpose; and a quorum being formed, they shall have full power to contract with and employ engineers, artists, and such workmen as they may deem necessary to carry on and complete the works, as well as to uphold, alter or repair the same, and also fix the times and manner, and in what proportion the stockholders shall pay the moneys yet to pay on their respective shares, and to draw on the treasurer for all moneys that may be necessary and required to carry into full effect this act, or that may be required by their by-laws, rules and regulations; and generally to do all such other matters and things as by this act or their by-laws, rules and regulations they shall be authorized to do, and may also borrow money, if necessary, on the credit and security of the corporation, so that the amount so borrowed do not at any time exceed three thousand dollars.
- Powers.**
- To convey water into the borough of Bedford.** SECTION 7. It shall be the duty of the president and managers, as soon as may be after they shall be organized, to proceed to bring and convey into the borough of Bedford, by means of steam or water power,

through pipes, trunks, aqueducts or other means, some spring or springs, stream or streams of water from the neighborhood of, or from within the bounds of said borough, the right to which shall have previously been vested in said company; and also, provide cisterns or reservoirs for the reception thereof: they may enter into such lands or enclosures as may be necessary, and dig ditches and lay pipes and trunks through the same, doing as little damage to private property as possible, and paying whatever injury may be done by them; and when the parties cannot agree, then according to an assessment to be made by three disinterested freeholders, to be appointed on application by the court of common pleas of Bedford county, and who shall be duly sworn or affirmed justly and truly to make assessment of said damages; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair all their pipes, trunks or structures through private property, doing as little damage as possible; and shall also have liberty at all times to dig and lay pipes and trunks along roads, highways, and the streets and alleys of the borough of Bedford, and to renew and repair the same, shutting up and amending any breaches which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs in the streets or public grounds of said borough, when the same may be deemed necessary, making compensation as aforesaid.

Damages, how
adjusted.

SECTION 8. That the president and managers shall, in such streets or parts of the borough where pipes shall be required and laid, permit the said borough to erect hydrants to be used solely for extinguishing fire, paying a reasonable sum annually for such privilege; and the said company shall at all times, where trunks and pipes shall be laid in and through any of the streets and alleys in said borough, suffer individuals to be supplied with water for domestic use, and such other uses as the president and managers may permit, for such reasonable compensation as shall from time to time be agreed on by the said president and managers and such individuals, according to such certain uniform rates as the said president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume: *Provided*, That the owners of the freehold on and upon which said is so taken and used, shall in all cases be the parties with whom such contract for the use of water shall be made, and the said real estate be bound for and liable for the payment of the same, reserving to the company the right to contract with the lessees or tenants on the responsibility of the said lessees or tenants, if they see fit or proper so to do; and any person or persons within the said borough, who shall take any of the said water for domestic or other uses, without having previously contracted for the same with the said president and managers, shall forfeit and pay for every such offence any sum not exceeding the sum of fifty dollars, to the said president and managers for the use of the company, to be recovered before a justice of the peace by action of debt or assumpsit, in the same manner as debts of equal amount are now recoverable.

Power to erect
hydrants.

SECTION 9. That if any person or persons or body politic who shall have contracted with the said company for the use of said water, shall wantonly and unnecessarily waste the same to the injury of the said company, or shall permit any other person or persons not being by the said contract entitled to the use thereof to make use of the same, or shall neglect and fail to pay to the said company the amount of money by him, her or them agreed upon to be paid as a compensation for the use of said water, for the period of three months after the same shall

Waste of water,
for prevention of.

be due and payable according to the terms of said contract, it shall be lawful for the president and managers to withhold and cut off such water from the premises of such individual or body politic and corporate, until all such damages, with interest and costs of recovering the same, shall be paid: *Provided*, That nothing herein contained shall be so construed as to affect, impair or take away the right of the said company to sue for and recover the amount of such arrearages.

Forfeiture of stock.

SECTION 10. That the president and managers shall in such part of the capital stock of the said company (the shares being ten dollars each) as shall remain unpaid in instalments as the same may be required; and if any stockholder or original subscriber shall neglect, after twenty days' notice published in one or more of the newspapers printed in the borough of Bedford, to pay such instalment, payment may be enforced as in other cases, by action of debt before a justice of the peace; or the president and managers may at their election declare said stock and the moneys paid thereon forfeited to the use of the company; and whenever the debts of the said company shall be paid, and the income exceed the expenses of the said company, the president and managers shall declare a dividend of such surplus on the stock paid in half yearly, on the first Mondays in January and July in each year, and shall publish the said dividend and the place where the same is payable, and shall cause the same to be paid accordingly.

Penalty for injuries to company's works.

SECTION 11. That if any person shall wilfully destroy or injure in any manner the pipes, aqueducts, cisterns, reservoirs, hydrants or any of them, or any of the works of the said company erected or to be erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome, or use without permission the stream of water which shall be conveyed or brought through the said borough of Bedford by the said company, an being convicted thereof before any justice of the peace in and for the county of Bedford, by the oath or affirmation of one or more credible witnesses, shall pay a fine not exceeding twenty dollars, one-half to go to the borough of Bedford, and the other half to the informer, and shall moreover remain liable for all damages to the company.

No banking privileges allowed.

SECTION 12. That the said corporation shall not have power to issue any note or notes in the nature of bank notes, or to be endorser on any note or notes in their corporate capacity, or to make discounts or receive deposits; and in case the said company shall at any time violate any of the provisions of this section, their charter and privileges shall become null and void.

County commissioners and borough of Bedford authorized to subscribe to capital stock.

SECTION 13. The county commissioners of the county of Bedford, and the burgess and town council of the borough of Bedford, are hereby authorized and empowered to subscribe to the capital stock of said company, any such number of shares as they may deem right and proper; in which event the commissioners of said county, and the burgess and town council of said borough, shall have a right to vote at such elections of said company under the same provisions as private individuals.

Burgess of said borough authorized to convey certain real estate to said company.

SECTION 14. That the chief burgess of the said borough of Bedford, with the consent of the inhabitants thereof, ascertained in such manner as the burgess and council of said borough may direct, are hereby authorized to transfer and convey to the said company that certain acre of ground lying on the south-west corner of said borough, including the springs which was reserved by the proprietors of this commonwealth for the use and benefit of the inhabitants of said borough:

Provided, That such conveyance shall not be made until the said company has been organized and the stock subscribed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 469.

AN ACT

To incorporate the Mahonoy and Wiconisco railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Charles W. Higgins, William L. Dewart, Edward Y. Bright, Bertram H. Howell, William L. Helfenstein, Thomas Elder, senior, George Prince, George M. Lauman, Philip Dougherty, Henry Walters, James Fox, George H. Thomson, Stacy B. Barcroft, Thomas Diehl, Benjamin W. Ingersoll, Edward Gratz, and those persons who shall hereafter subscribe for the stock of the company hereby created, be and are hereby created and erected into a body politic and corporate in deed and in law, by the name, style and title of "The Mahonoy and Wiconisco railroad company," and by the said name shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded, subject to all the restrictions and provisions of an act, entitled "An Act to incorporate the Trevorton, Mahonoy and Susquehanna railroad company," passed the twenty-second day of March, Anno Domini, one thousand eight hundred and fifty: *Provided*, That in all cases of assessment of damages done to lands as provided for in the tenth section of said act, the appraisers shall be residents of the county in which the lands lie, and the appeals provided for in said section shall be taken to the court of said county.

Corporators.

Style.

Privileges.

Subject to provisions and restrictions of certain act.

SECTION 2. That the president and managers of the said company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a railroad, with as many tracks as they may deem necessary, beginning at or near the mouth of the Mahonoy creek, Northumberland county, to any point on or near the Wiconisco canal or feeder, between Walter's saw mill and the mouth of Wiconisco creek: *Provided*, That the said railroad shall not, except in deep cuts and fillings, or at points selected for depots or engine and water stations, exceed four rods in width, and that it shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner thereof.

Location of road.

Borrow money. SECTION 3. That the said company shall have the power, if deemed expedient for the completion of their road, to borrow any sum not exceeding fifty thousand dollars, and to issue bonds or other evidences of debt therefor, in sums of not less than one hundred dollars.

Power to extend road. SECTION 4. That the said company is hereby authorized and empowered, under the provisions, conditions and restrictions of this act, to extend their railroad, and connect the same with any other railroad in the county adjoining that in which the railroad hereby authorized is authorized by this act to be located: *Provided*, That said extension shall not extend further than the Mill Creek and Mine Hill railroad, and the several connections therewith in the county of Schuylkill.

Speaker of the House of Representatives.

Speaker of the Senate.

APPROVED—The sixth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 470.

AN ACT

To incorporate the borough of Matamoras, in the county of Dauphin.

Boundaries. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That that portion of Halifax township, county of Dauphin, included within the following boundaries: beginning at a post; thence by lands of John Wilbert south forty-four perches to Coal road; thence along the said road west forty-two perches; thence by lands of A. Ryan south one hundred and thirty two perches to a pine; thence through lands of Christian Ehrman north eighty-two degrees west eighty and one-half perches to a hickory; thence through lands of James R. McConnell and Joseph Buchanan north one hundred and sixty-four perches to a chestnut; thence by lands of Peter and Michael Sweigart east one hundred and twenty-one perches to the place of beginning, is hereby erected into a borough, to be called the borough of Matamoras.

Annual election. SECTION 2. The inhabitants of said borough entitled to vote for members, shall on the third Monday of May, one thousand eight hundred and fifty, and annually thereafter on the day fixed by law for holding township elections, shall meet at the school house in said borough, and then and there elect by ballot one burgess, five members of town council, and one constable, whose name shall be returned to the next court of quarter sessions ensuing his election for the like purposes and in election of township constables; the said inhabitants shall also elect two justices of the peace; James Reed is hereby appointed judge, and Jacob

Sweigart and John Meily inspectors, to hold the first election of said borough: it shall be the duty of the judge authorized in this act, to give at least ten days' notice previous of holding such election.

SECTION 3. That from and after the third Monday of May, one thousand eight hundred and fifty, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style and title of "The burgess and town council of the borough Matamoras," shall have, possess and enjoy all rights, privileges and liberties of a borough incorporated in pursuance of the act of April first, one thousand eight hundred and thirty-four, entitled "An Act for the incorporation of boroughs;" and the several sections of the said act, so far as the same are not inconsistent with this act, shall extend to and be in force within the said borough, as fully as if the said borough had been incorporated agreeably to the provisions thereof. Style.
Privileges.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 471.

AN ACT

To incorporate the Chester County mining company; and relating to the service of summons in the county of Clarion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Dendy Sharwood, George Earp, junior, and J. W. Bacon, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of "The Chester County mining company," the capital stock of which company shall not exceed one hundred thousand dollars, to be divided into such number of shares as said company shall find most expedient; and the said company may hold not exceeding five hundred acres of land, in the county of Chester, at any one time; and the said company shall have the same powers, liberties, franchises and immunities, and be subject to the terms and conditions as the "Anthracite iron company," passed the twenty fifth day of May, in the year of our Lord one thousand eight hundred and thirty-nine: *Provided,* That the business of this company shall be the mining and smelting of minerals and ores, and they shall not be restricted to the use of anthracite or bituminous coal in carrying on their operations, and may employ such portions of their capital as may be necessary in constructing railroads on their lands and in Corporators.
Style.
Capital stock.
May hold lands.

Tax on dividends.

transporting to market, and raising and vending the produce of their lands, mines and manufactures: *And provided further*, That this company shall not go into operation until a like proportion of the capital stock shall be subscribed for, and the same proportion paid in, as is required for said "Anthracite iron company:" *And provided further*, That said company shall pay to the state treasurer for the use of the commonwealth, one per centum on its capital stock, in four equal instalments, the first to become due and payable on the first of November, Anno Domini, one thousand eight hundred and fifty, and the remaining three instalments at intervals of twelve months each.

Reservation.

SECTION 2. The legislature hereby reserves the right to alter, amend or repeal this charter at any time: *Provided however*, That no injustice be done the corporators.

Provisions of certain act relative to the service of writs of summons extended to Clarion county.

SECTION 3. That the provisions of the first, second and third sections of the act, entitled "An Act directing the manner of serving writs of summons in certain cases in the county of Mercer," approved the tenth day of April, one thousand eight hundred and forty-nine, be and the same are hereby extended to the county of Clarion, as fully and effectually as if the same had been expressly named therein.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The tenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 472.

A N A C T

To incorporate the Odd Fellows hall association of Tremont, in the county of Schuylkill.

Preamble.

WHEREAS, Certain citizens of this commonwealth hereinafter named, have associated together for the purpose of erecting an Odd Fellows hall in the town of Tremont, in the county of Schuylkill, and have, with certain moneys raised by issuing certificates of stock and certificates of loan, purchased a certain lot or piece of ground, situate on Main street, in the town of Tremont, and erected upon the same a hall for the use and accommodation of various lodges of the Independent Order of Odd Fellows; therefore,

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Samuel Hipple, Thompson A. Godfrey, William E. Clark, John Faigley, Jacob Dubbs, Frederick Wertheimer, Daniel B. Althous,

Andrew S. Wingert, J. P. Bause, Jesse S. Owen, Joseph Richard, James Weirman, Isaac Alter, Frederick Speck, John B. McCreary and William C. Adamson, and their successors, and all persons who now are or may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed in law, by the name, style and title of "The Odd Fellows hall association of Tremont;" and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all the courts of law or equity within this commonwealth and elsewhere; and also, to be able to take and hold, to them and their successors, either by gift, grant, devise or lease, any lands or real estate, for the use of the said association, any goods and chattels, sum and sums of money, by gift, grant, bargain and sale, will, devise or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell for the use of the said association; and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of three thousand dollars: *And provided also*, That the certificates of stock and certificates of loan already issued by the persons and for the purposes hereinbefore mentioned, shall be assumed by the said the Odd Fellows hall association of Tremont, who shall pay the interest now due, or that may hereafter become due on the same, and redeem the same whenever they shall respectively become due and payable; the liability of the said association for the payment of the said interest and the redemption of the said certificates, to be the same as if they had been issued by the said association in virtue of law: *And provided also*, That from and immediately after the passage of this act, the title to the said lot or piece of ground and the hall thereon erected, shall be vested in the Odd Fellows hall association of Tremont, as fully to all intents and purposes, as the same is held by the persons hereinbefore mentioned.

SECTION 2. The stockholders shall meet annually on the first Friday of June, and choose by ballot five trustees, who shall serve until their successors be elected; a majority of the whole number of votes polled shall constitute a choice; and in case of the event of a failure to elect any of the said trustees at any regular election, or in case of death, resignation or inability to serve, growing out of any other cause, there shall be a vacancy in said board of trustees, then and in such cases the existing board shall have power to fill the vacancies by appointing trustees until the time fixed for the next election; and the said board at their first meeting after the election shall choose one of their number as president and one as secretary, and shall appoint a treasurer, either of their own number or such other person as they may deem expedient, who shall give security for the faithful discharge of the duties of said office, in such sum as the board of trustees shall require.

SECTION 3. That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew as they may think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed.

SECTION 4. The government of the said association, and the management and disposition of its affairs and property, shall be vested in the said board of trustees.

Privileges.

Annual meeting of stockholders.

Seal.

By-laws. SECTION 5. The corporation shall have power and authority to make by-laws conformable to this charter, and not inconsistent with the laws of the United States or of this commonwealth.

Reservation. SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said the Odd Fellows hall association of Tremont, whenever in their opinion it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The tenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 473.

AN ACT

For the relief of William Trimble, of Chester county, and to incorporate the Philadelphia College of Dentistry; to change the name of George Nutting to George Lagrande; and relative to the Chester County mining company, and Montgomery County mining company.

Canal commissioners to examine claim of Wm. Trimble. SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the canal commissioners to examine what amount of damage, if any, has been sustained by William Trimble, of Chester county, arising from a collision with a locomotive engine on the Philadelphia and Columbia railroad, and to report the facts to the next legislature.

Corporators. SECTION 2. That Jesse R. Burden, Joseph G. Tell, Alexander G. Gaw, William Craig, Isaac Meyer, Ely Parry, Joseph B. Mitchell, Benjamin Malone, Caleb N. Taylor, Samuel Scott and Benjamin Smith be and they are hereby incorporated under the name, style and title of the "Philadelphia College of Dentistry," subject to all the restrictions of the act, entitled "An Act to incorporate the Franklin College of Medicine," approved the twenty-eighth day of January. A. D. one thousand eight hundred and forty-six: *Provided,* That the said college shall not have power to grant any diploma except that Doctor of Dental Surgery.

George Nutting, name changed. SECTION 3. That from and after the passage of this act George Nutting, of Wayne county, shall be called and known by the name of George Lagrande, and by that name be capable of suing and being sued, and of granting and taking any real or personal estates by grant,

demise or purchase, in the same manner as if he had been always known by the name of George Lagrande.

SECTION 4. That nothing in an act, entitled "An Act to incorporate the Chester County mining company," or in an act, entitled "An Act to incorporate the Montgomery County mining company," passed during the present session of the legislature, shall be construed to confer on the said companies manufacturing privileges.

Chester County
mining company
and the Mont-
gomery County
mining company,
relative to.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The thirteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 474.

A N A C T

To incorporate the village of Conshohocken, in the townships of Plymouth and Whitmarsh, in Montgomery county, to be called the borough of Conshohocken; and relative to the borough of Mauch Chunk.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the territory lying in the townships of Plymouth and Whitmarsh, in the county of Montgomery, included within the following described limits and boundaries, to wit: beginning in the township of Plymouth at low water mark of the river Schuylkill, at the distance of one-half mile measured on a direct line at right angles from the middle of the Whitmarsh and Plymouth turnpike road, which is on the township line between said townships; thence north forty degrees forty five minutes east parallel to said turnpike road over lands of Cadwallader Foulke, John Stemple, Evan Davis and others, to a point where the continuation of a certain public road line which now leads into said turnpike at the eastern corner of the farm of James Cresson, and which road is nearly at right angles with said turnpike, if continued north-westerly would intersect said parallel line first mentioned as running north forty and three degrees east then from said point, south-easterly the course of said road along the middle of said road and crossing said turnpike, and continuing its course in Whitmarsh township over lands late of David Harry, deceased, and Isaac Jones's land, one mile to a point on the land of said Isaac Jones; thence on said Isaac Jones's land south forty degrees forty-five minutes west to the river Schuylkill aforesaid, and along and up said river the several courses thereof to the place of beginning, is hereby erected into a borough which shall be called Conshohocken.

Boundaries.

Annual election. SECTION 2. The inhabitants of said borough entitled to vote for members of the general assembly, having resided therein ten days immediately preceding the election, shall on the third Friday of May next, and on the third Friday of March in every year thereafter, meet at the public school house in said borough, and then and there between the hours of one and eight o'clock, P. M., elect by ballot one citizen, who shall be styled the burgess of said borough, and eight other citizens to be members of the town council, and at the first election six school directors, two to serve one year, two for two years and two for three years, and thereafter two school directors annually; and one person to be constable of said borough, whose name shall be returned to the next court of quarter sessions for the like purposes as in the elections of township constables; and the said inhabitants shall also at the same time and place, elect two justices of the peace, one judge and two inspectors of elections, and assessors, agreeably to the laws of this commonwealth: the said elections shall be conducted in the same manner as is provided for the election of township officers of this commonwealth, except that one copy of the certificates of election of burgess, town council and school directors, shall be filed among the records of the corporation: *Provided*, That the first election to be held under this act shall be held by William Jacoby, Leonard Fisher and Charles Wood, who are hereby required to attend at the public school house aforesaid, on the third Friday of May next, and attend to the duties of judge and inspectors of the election, for which service they shall receive the same remuneration out of the county treasury of Montgomery county, as like officers in the townships.

Style. SECTION 3. From and after the first Tuesday succeeding the third Friday in May next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name, style and title of "The burgess and council of Conshohocken," and shall have perpetual succession, and shall be capable in law to receive, hold and possess goods, chattels, lands and tenements, rents, jurisdictions and franchises, to give and hereditaments to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also grant, sell, let and assign the same lands, tenements, hereditaments, rents; and by the same name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

Burgess to be president. SECTION 4. That the burgess shall be the president of the council and shall have and exercise all the rights and privileges of a member thereof in every respect.

Burgess and town council. Quorum. SECTION 5. The burgess and town council shall meet on the first Tuesday next succeeding their election in each year, and as often thereafter as occasion may require, any six of whom shall be a quorum to do business; and the proceedings of a majority of the quorum, when there is one formed and present, shall be valid: they shall have power, in the absence of the burgess, to elect a president pro. tem., who shall perform all and every duty enjoined on the burgess: the said town council and burgess shall in all cases continue to hold their respective offices until their successors shall be duly elected and qualified, and no longer.

By-laws. SECTION 6. The burgess and town council shall have power to enact by laws, and to make such rules, regulations and ordinances as shall be determined on by a majority of them as necessary to promote the

peace, good order and general welfare of the inhabitants of said borough, and for the purpose of grading, improving and keeping in order the present or hereafter laid out streets, lanes, alleys public squares and common grounds, if any belonging to said borough, for removing nuisances and obstructions therefrom, and the same to amend, alter or make anew as the occasion may require; and also to assess, levy and collect a tax for said purposes, not exceeding five mills on the dollar on the valuation of taxable property taken from the last triennial assessment; and also annually to appoint a town clerk, treasurer, street commissioner, and such other officers as may be deemed necessary, with all powers required for the well ordering and better government of said borough: *Provided*, That the said ordinance, rules and regulations shall not be repugnant to the constitution and laws of this commonwealth.

SECTION 7. The constable of said borough shall perform the duties of high constable therein in addition to his general duties as constable under the laws of this commonwealth until otherwise provided: the burgess and town council may authorize the election or appointment of a high constable if they deem it expedient. Constable, duties.

SECTION 8. The burgess, town council, constable and town clerk shall severally take and subscribe an oath or affirmation before one of the justices of the peace in and for said county of Montgomery, to support the constitution of the United States and of this state, and to well and truly perform the duties of their respective offices to which they have been elected or appointed; the certificates of which oaths or affirmations shall be filed among the records of the said corporation. Burgess, town council, constable and town clerk to make oath.

SECTION 9. The school directors elected under this act shall perform the same duties, and possess the like powers in all respects as school directors elected agreeably to the general laws of this commonwealth. School directors, duties.

SECTION 10. The said borough shall be a separate election, and the electors thereof shall hold their borough and general elections at the public school house aforesaid. Separate election district.

SECTION 11. All the taxes collected by said borough shall be expended exclusively within their own boundaries, for the grading and repairs of their own streets and the other purposes of this act; and no property within said borough shall, after the passage of this act, be subject to any township tax. Taxes.

SECTION 12. It shall be the duty of the burgess and town council aforesaid, to proceed and fix the grades of all streets, roads and alleys now laid out in said borough, without delay, and when new streets, roads or alleys shall be laid out, to fix and mark the grades of the same before the same is opened; and the said grades, if afterwards it is deemed advisable, may be altered and re-fixed by the votes of not less than six of the said burgess and town council: *Provided*, That the grades of the Railroad street, and of the turnpike, shall not be altered without the consent of said companies owning said works. Relative to streets, roads, &c.

SECTION 13. The burgess and any two of the members of the town council, to be by them appointed, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which day the collector shall give ten days' public notice by at least four legibly written or printed handbills put up in the most public places in said borough; and when said tax shall have been properly adjusted, the burgess shall issue his precept to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities as are given to the collectors of county taxes by the laws of this commonwealth; and the amounts so collected shall be paid over to the treasurer of said corporation. Court of appeal.

SECTION 14. That the burgess and town council shall have full power and authority to make and establish by-laws and ordinances regulating the manner in which hay, coal, lime, wood, boards and scantling, tanners' bark, and all kinds of produce offered for sale in the said borough, shall be weighed and measured: *Provided*, The said by-laws and ordinances are not repugnant to the constitution and laws of the United States or of this commonwealth.

Burgess and town council to receive no remuneration for services.

SECTION 15. The burgess and town council shall not receive directly or indirectly any remuneration for their services, but may pay their agents and officers what may be agreed upon, by orders drawn on the treasurer, signed by a majority of the burgess and town council.

Borrow money.
Object.

SECTION 16. The said burgess and town council are hereby authorized to borrow such sums of money as they may deem expedient from time to time, on the faith of said borough corporation, for the purpose of paying for the grading and improving said streets, lanes, alleys and roads now or hereafter opened in said borough; and they are also authorized to appoint two regulators, and also a surveyor or engineer to mark and fix upon the ground the grades fixed upon by said town council; and they may order any street or streets, roads, lanes or alleys to be curbed and paved by the owners of the land fronting thereon; and in case the owner or owners of any lot or lots of land in said borough, shall refuse or neglect to erect and put up any curb stones or wall along the road, streets, lanes or alleys, at the edge of the side-walks in front and opposite their respective lots, or to pave such side-walks in such manner, and at such times as may be required by any ordinance of said borough, it shall be lawful for the said burgess and town council to purchase and procure materials for such curbing, walling and paving, and cause the same to be put up, erected and made at the proper cost and expense of said owner or owners; and on completion of said curbing, walling and paving, or within six months thereafter, may file a claim in the prothonotary's office of Montgomery county, for the amount of materials furnished and used, work done and expense incurred in putting up such curb stone or walls, and making such pavement, together with such additional charges, not exceeding ten per cent. thereon; which claim shall be certified by the burgess or president pro tem. of the town council, under the seal of the corporation, attested by the clerk; and such claim shall be paid before any other lien which commenced subsequent to furnishing such materials or performing such work, and remain a lien on such lot and a personal charge against the owner thereof till paid; and the amount of such claim may be recovered by the burgess and town council by personal action against the owner or owners of any such lot or lots, or by scire facias, at the option of said town council, as is provided for the recovery of mechanics' liens under the act approved the sixteenth of June, one thousand eight hundred and thirty-six, and the several supplements thereto; and in all cases the certificate of the burgess or president pro tem. of council, under the corporate seal attested by the clerk, shall be conclusive evidence of the amount of the claim for materials furnished and used, and for work done and costs and charges incurred in putting up and erecting curb stones, walls, and making pavements as aforesaid.

Commissioners to lay out streets, &c.

SECTION 17. That George Richards, Mordicai R. Moore, Joseph Crawford, Lawrence E. Corson, John M. Jones and Isaac W. Roberts, be and they are hereby appointed commissioners, and they or any four of them being duly sworn or affirmed to perform their duties with impartiality, shall have full power and authority to lay out any and all streets in said borough, which they shall think proper for the improvement thereof, or necessary for the convenience of its citizens or the pub-

lic, and shall have also full power and authority to vacate, alter and extend such streets, lanes and alleys as are already laid out, taking care in the performance of said trust to do no unnecessary damage to private property; and the said commissioners shall have power and authority to name the streets so laid out by them, and also all others widened, altered or extended by them, and shall make report of their proceedings within one year from the passage of this act, which report shall be accompanied by a plan or plot of all the streets, lanes and alleys, as well of those previously laid out, as of those laid out by them in pursuance of this act, designating therein the alterations and extensions by them made, and the width and names of the respective streets, lanes and alleys, with such other matters as may be necessary, in order to form a complete plot of the said borough, to the court of quarter sessions of said county of Montgomery, and the said report shall be recorded in the recorder's office in said county, and a certified copy thereof shall be evidence in all matters in which such record is pertinent; and the streets, lanes and alleys so laid out, shall from thenceforth be opened for public use, in the same manner as if they had been laid out by an order of the court in the usual way; and each of the said commissioners shall receive the sum of one dollar and fifty cents per day, for each and every day they shall be employed in their duties as aforesaid, which shall be paid by the corporation of said borough.

SECTION 18. Any person who shall sustain any damage by the laying out, opening, altering or widening of any street, lane or alley within the said borough, by virtue of the powers given by this act, shall have all the rights and remedies provided by the fourteenth section of the act, entitled "An Act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads," passed the sixth day of April, one thousand eight hundred and two. Damages.

SECTION 19. Should either of said commissioners die or refuse to serve, the quarter sessions of the county of Montgomery shall upon the petition of the burgess and town council of said borough, have full power to appoint a suitable person or persons to fill the vacancy occasioned by such death or resignation. Vacancies, how supplied.

SECTION 20. That the corporation of the borough of Mauch Chunk, be and they are hereby authorized to levy a tax or taxes on dogs within such borough, and cause the same to be collected as the borough tax is now collected, if they shall think proper; and the said borough of Mauch Chunk shall also from and after the passage of this act, be entirely separated from the township of Mauch Chunk, in relation to the payment of road and poor taxes; the inhabitants of said borough shall not be compelled to pay any tax for road or poor purposes beyond the limits of the borough. Mauch Chunk borough authorized to levy and assess taxes on dogs.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of May, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 475.

A N A C T

To incorporate the Franklin fire engine company of Frankford, in the county of Philadelphia; and relative to the hunting of deer in the counties of Lycoming and Sullivan; and to correct an error in the act to incorporate the Cecilian musical beneficial association of Philadelphia, approved twenty-sixth April, one thousand eight hundred and fifty.

Incorporate.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That all and every the persons that shall at the time of the passing of this act be members of the association called the Franklin fire engine company of Frankford, in the county of Philadelphia, shall be and they are hereby declared to be one body politic and corporate, by the name,
Style.	style and title of "The Franklin fire engine company of Frankford, in the county of Philadelphia," and by the same shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere; and also the said corporation and their successors, shall at all times hereafter be able to purchase,
Privileges.	receive, have, hold and enjoy to them and their successors, all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattels of whatsoever nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, alien, grant, demise and dispose of: <i>Provided,</i>
Yearly income.	That the clear yearly value and income of the said corporation shall not exceed two thousand five hundred dollars; and also to make and have a common seal, and the same to break and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or of the constitution of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due management and ordering the affairs thereof: <i>Provided,</i> That the said company shall at all times be subject to such rules and regulations as are now or may be from time to time enacted by the municipal corporation of the borough of Frankford.
Not to authorize banking.	SECTION 2. Nothing in this act contained shall be deemed to authorize the said company to engage either directly or indirectly in any banking, moneyed, commercial or manufacturing concern, or to act in any other capacity than as a fire company.
Reservation.	SECTION 3. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporations.
Relative to hunting deer, &c., in Lycoming and Sullivan counties	SECTION 4. That it shall be lawful for persons to pursue deer and other wild game with dogs, in the townships of Wolf, Shrewsbury and Plunket's Creek, in Lycoming county, and the townships of Shrewsbury, Plunket's Creek, Forks and Elkland, in the county of Sullivan; and persons not a party to the chase shall be liable to a fine of five dol-

lars, to be collected as other debts are by law recoverable for each and Penalty. every interference in such chase, and the pelt shall belong to the owner or owners of the dog or dogs: *Provide!* That any person or persons Proviso. engaged in the chase shall be liable for any damages done to enclosures.

SECTION 5. That the secretary of the commonwealth be and he is hereby authorized and empowered to erase the word Cecilian, when it may occur in the title section of an act to incorporate the Cecilian musical beneficial association of Philadelphia, instituted February fifth, one thousand eight hundred and forty-nine, and relative to the water works of Spring Garden, approved twenty sixth day of April, one thousand eight hundred and fifty, and insert in lieu thereof the word Cecilia. Secretary of commonwealth to correct error.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 476.

AN ACT

To incorporate the Green Ridge improvement company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert M. Ludlow, Frederick A. Van Dyke, junior, and Bertram H. Howell, trustees, and the other equitable owners of certain lands in the counties of Northumberland and Schuylkill, their associates, successors and assigns be and they are hereby constituted a body politic and corporate, by the name, style and title of "The Green Ridge improvement company," and as such shall have power to take and hold land and real estate in fee simple in the counties of Northumberland and Schuylkill; and the purpose and business of the said company shall be the proving and opening the veins of coal and other minerals on or in their land, constructing and erecting schutes, breakers, screens, and fitting and preparing the said veins of coal and other minerals to be worked and leased, and the making and constructing of railroads over and upon their land; and the said company may from time to time make leases of the said veins of coal and other minerals which may be found in the land belonging to the said company; and the said company, by the said name, is hereby declared and made capable in law to sue and be sued, plead and be impleaded, to have a common seal, to hold and convey such real and personal property as may be necessary to promote the objects of this incorporation, and to do all things Corporators.
Style.
Privileges.
Object.

- necessary to promote the objects and designs of the same, according to the true intent and meaning thereof; and the said company shall have all the rights, powers and privileges, and be subject to all the restrictions, provisoes and liabilities conferred and imposed upon the Swatara company by the second, third and fourth sections of the act incorporating the same, approved the sixth day of March, one thousand eight hundred and forty-nine: *Provide*, That the said company shall elect five directors for the management of the affairs thereof; and fifteen days' notice of the said election shall be given in one newspaper published in the county of Northumberland, and one published in the city of Philadelphia: *And provided also*, That the quantity of land held by said company shall not exceed three thousand acres: *And provided also*, That said company shall pay into the treasury of the commonwealth one per cent. upon their capital, one fourth on the first day of January, one thousand eight hundred and fifty one, and the balance in three equal annual instalments.
- Subject to provisions and restrictions of certain act.** **Proviso.**
- Proviso.**
- Term of charter.** SECTION 2. This act shall continue in force for twenty years from the time of its passage.
- Reservation.** SECTION 3. The legislature hereby reserves the right to alter, amend or annul the provisions of this act whenever they may deem it expedient so to do: *Provided however*, That no injustice shall be done to the corporators.

J. S. M'CALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 477.

AN ACT

To incorporate the Montgomery County mining company.

- Corporators.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Ward B. Burnett, Thomas F. Shewell and Rutherford Moody and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of "The Montgomery County mining company;" the capital stock of which company shall not exceed one hundred thousand dollars, to be divided into such number of shares as said company shall find most expedient; and the said company may hold not exceeding five hundred acres of land in the township of Lower Providence, county of Montgomery, at any one
- Style.**
- Capital stock.**

time; and the said company shall have the same powers, liberties, franchises and immunities, and be subject to the same terms and conditions as the Anthracite iron company, passed the twenty fifth day of May, in the year of our Lord, one thousand eight hundred and thirty-nine: *Provided*, That the business of this company shall be the mining and smelting of lead and copper ores: said mining operations shall be confined to said Lower Providence township, in said county; and they shall not be restricted to the use of anthracite or bituminous coal in carrying on their operations, and may employ such portions of their capital as may be necessary in constructing railroads on their lands, and in transporting to market, and raising and vending the produce of their lands, mines and manufactures: *And provided further*, That this company shall not go into operation until a like proportion of the capital stock shall be subscribed for, and the same proportion paid in as is required for said Anthracite iron company: *And provided further*, That said company shall pay to the state treasurer, for the use of the commonwealth, one per centum on its capital stock in four equal instalments, the first to become due and payable on the first of July, Anno Domini, one thousand eight hundred and fifty, and the remaining three instalments at intervals of twelve months each.

Subject to provisions and restrictions of certain acts.

Proviso.

Proviso.

Proviso.

SECTION 2. The legislature hereby reserves the right to alter, amend or repeal this charter at any time: *Provided however*, That no injustice be done the corporators.

Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The ninth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 478.

A FURTHER SUPPLEMENT

To an act, entitled "An Act relative to the organization of courts of justice," passed the fourteenth day of April, Anno Domini, one thousand eight hundred and thirty-four; and to incorporate the African Methodist Episcopal church of the borough of Frankford, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the court of common pleas of Clearfield county, in addition to the powers heretofore conferred, shall have the same chancery powers and jurisdictions which are now by law vested in the court of common pleas of Philadelphia county.

Chancery powers granted to the court of common pleas of Clearfield county.

SECTION 2. That the members of the African Methodist Episcopal church of the borough of Frankford, in the county of Philadelphia, be

	and they are hereby constituted and formed into a body politic and corporate, in deed and in law, by the name, style and title of "The African Methodist Episcopal church of the borough of Frankford, in the county of Philadelphia," and by the same name, to have perpetual succession, and to be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and in equity, to take and hold lands and tenements, goods and chattels of whatsoever nature, kind or quality, real, personal or mixed, which are now or hereafter shall become the property of the said African Methodist Episcopal church of the borough of Frankford, by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest or otherwise, by any person or persons capable of making the same, and the same to grant, bargain, sell, convey, mortgage and dispose of for the use of said church: <i>Provided</i> , That the yearly income of the real and personal estate of said corporation shall not at any one time exceed two thousand five hundred dollars: <i>And provided also</i> , That no sale of any real estate belonging to said corporation, or which shall hereafter become the property of said corporation shall be lawful, unless such sale shall have been approved by a majority of the male members of said church present at a special meeting of the members of said corporation called for that purpose, notice of which meeting shall have been publicly given from the pulpit on Lord's Day, at least one week previous, a record of the proceeding of which meeting shall be kept by the secretary of the board of trustees, in a book containing the records of the meetings of said trustees.
Style.	
Privileges.	
Proviso:	
Proviso:	
Trustees.	SECTION 3. That the temporal affairs of said corporation shall be managed by seven trustees, four of whom shall constitute a quorum for the transaction of business, said trustees shall be elected by ballot annually on the third Monday in June, in each and every year, by the members of said corporation legally qualified to vote at such election, according to the provisions of the fourth section of this act, which trustees shall hold their office for the term of one year, and until successors are duly elected, and the following named persons, to wit: James Hamilton, Peter Brake, John Wilson, George Lockwood, James Bowser, junior, Thomas Johnson and Henry Jeffries shall be the trustees of said corporation from and after the passage of this act, until the third Monday in June next, and until the first annual election shall have been held under this act.
Annual election.	
Notice of election.	SECTION 4. That all elections for trustees under this act shall be held in the house of worship, used and occupied as such at the time by said corporation, and notice of each election shall be given publicly from the pulpit on the Lord's Day, immediately before or after divine service by the minister officiating, or by some other person at least one week previous to the time of holding said election.
Who may be eligible as trustee	SECTION 5. That no person shall be eligible as a trustee of said corporation, who is not at the time of his election a resident of the state of Pennsylvania, over twenty-one years of age, and who shall not have been for at least one year next preceding his election, a member of said church, nor shall any person hold and exercise the office of a trustee after he shall have ceased to be a member of said church, and no person shall be entitled to vote at any election for trustees, or at any other election held under this act, except the male members of said African Methodist Episcopal church of the borough of Frankford, over the age of twenty-one years.
Organization.	SECTION 6. That the trustees shall within ten days after their election, meet and organize by electing from among their number, a president, a secretary and a treasurer, to serve the ensuing year: <i>Provided</i> ,

That the said trustees may at any time remove any of said officers and elect others to supply their places, when in their opinion the interests of the corporation require it.

SECTION 7. That if any vacancy shall occur in the board of trustees by reason of death, or from any other cause, the vacancy or vacancies shall be supplied by the remaining trustees until the next election. Vacancies.

SECTION 8. That the board of trustees and their successors shall have power to enact and enforce such by-laws and ordinances as may be proper and necessary for the transaction and regulation of the business of said corporation: *Provided*, Such by laws and ordinances shall not be inconsistent with the constitution of the United States, nor of the state of Pennsylvania, nor with the doctrine and discipline of the Methodist Episcopal church of the United States, and that the said by-laws and ordinances shall have been approved by a majority of the qualified voters of said corporation present at a special meeting called for that purpose, due notice of which meeting shall have been given in the manner hereinbefore provided for notices of elections. Power of trustees.
By-laws.

SECTION 9. That any and all persons who shall hereafter become members of the African Methodist Episcopal church of the borough of Frankford, shall while they continue to be members of said church, be entitled to all the privileges and subject to the same restrictions as those who are members of said church at the passage of this act, saving to every member the right to withdraw from said corporation at any time. Privileges of member.

SECTION 10. That the title to all real and personal estate now held, owned or possessed in trust or otherwise by trustees, for the use of said African Methodist Episcopal church of the borough of Frankford, at and immediately before the passage of this act, be and the same is hereby absolutely vested in the corporation created by this act, and the said corporation shall be liable for all debts due, owing or payable in like manner as if said debts had been created after the passage of this act. Title to real estate.

SECTION 11. That the trustees of said corporation shall keep a book in which shall be transcribed a copy of this act, and a copy of all by-laws and ordinances hereinafter passed by them, and approved as herein mentioned aforesaid; and also a record of the proceedings of all meetings of said trustees, and of all business meetings of said corporation, which books shall at all reasonable hours be open for inspection upon demand made by any member of the corporation. Books.

SECTION 12. That said corporation shall have a right to make and use a common seal, with such device and inscription as to them shall seem meet, and the same to break, alter and renew at pleasure. Seal.

SECTION 13. That the legislature hereby reserves the right to alter, amend or repeal this act, or any part thereof at any time hereafter. Reservation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

CERTIFICATE.

SECRETARY'S OFFICE, }
HARRISBURG, *July 1, 1850.* }

I certify, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by the original rolls on file in this office, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during the session ending the 15th day of May, 1850, including eleven acts passed by both branches of the Legislature at the session of 1849, which not having been signed by the Governor, nor returned with his objections, became laws under the provisions of the Constitution during the last session: also, an APPENDIX, containing laws passed at the sessions of 1846, 1847, 1848 and 1849, upon which the tax has been paid subsequently to the publication of the Pamphlet Laws of 1849, or taken off by law since that time.

A. L. RUSSELL,
Secretary of the Commonwealth.

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